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Art. I. *The History of British India.* By James Mill Esq. In Three Volumes. 4to. pp. 2148.

The state of our Indian Provinces is a subject as to which all sound information is nearly as unattainable, as the commonplaces which have been substituted for it are dazzling and abundant. The extent and populousness of the territory—its strange people—the numerical disproportion of the conquered to those who hold them in subjection—have been obvious topics for every declaimer: and even persons who are accustomed to political inquiries, have sometimes been content to wonder at an empire which nothing but good fortune could have created, and nothing but good fortune could preserve. By the great bulk of our countrymen, however, Hindostan is looked upon merely as a large country, which serves to swell the number of the King's subjects to the astonishment of foreigners, and affords a convenient place for the younger sons of respectable families to acquire fortunes and diseases in the liver. About the people, too, we make ourselves perfectly easy. They have been transferred from Pagan and Mahomedan to Christian rulers; and, of course, been exalted to the highest pitch of happiness by the exchange.—When it is proposed to review the Company's charter, a little temporary interest seems to be excited on the subject; and the sympathy, which had been dormant for years, revives for a moment, when the question comes to be, whether British traders should be admitted to a competition with the India Company. But with the settlement of that question, this interest has uniformly subsided; and, during the five Sessions since the act of 1813, not one inquiry has been entered upon, and (if we may trust our memories) not one question has been put, in the British Parliament, respecting the condition of the fifty millions of Hin-

doos over whom that body possesses a Sovereign power, and is bound, if there be any reciprocity of duties between rulers and subjects, to exert a Sovereign's care.

This silence respecting Indian affairs, interrupted only by flashes of panegyric, will appear still more strange, when contrasted with the incessant calls made on the attention of the nation, thirty and forty years ago, by the greatest orators and statesmen of the day. The British dominions in India certainly have not become more contracted since that period; nor, although our possession of them be more secure, has the welfare of their countless inhabitants become less worthy of concern. We shall see, by and by, whether it can be maintained that the plans which have been devised for their administration are so perfect as to exempt from the common necessity of inspection,—or whether their distance from the seat of government, and the abjectness and ignorance of the people, be sufficient to ensure the utmost vigilance and probity on the part of their delegated masters.

Among the causes which have contributed to produce this apathy, one undoubtedly is, the increased and increasing amount of the materials necessary to form an accurate knowledge of Indian affairs. There have been speeches in Parliament and polemical pamphlets, with a multitude of conflicting opinions, and just as many facts as were necessary to support them;—there have been detailed histories of campaigns, and apologies for particular administrations;—there have been voluminous Parliamentary reports, with their usual accompaniments, correspondence, minutes of evidence, and accounts, more formidable than the ordinary run of such documents:—But there has not hitherto been any work discriminating between the useful and unimportant parts of this vast mass, which it is impossible for any one who has not devoted years of labour to that purpose, to wade through. To enable an individual to take an interest in present politics, some historical knowledge is just as necessary as an acquaintance with the rudiments of science to the reader of a scientific journal: For to those who are not acquainted with previous transactions—with plans of legislation which have been projected or put to the test—and who have formed no theories which give the mind a motive to observe occurrences and to reflect on them, by connecting them with its pride or its disappointment, the passing events will afford no instruction, and will scarcely be held in remembrance. A good history of British India was necessary, therefore, not only to supply a deficiency in our literature, but to afford a better chance that India should be well governed, by attracting to its administration the eyes of some who have not an interest in praising all its acts.

This is the work which Mr Mill has undertaken; and of the execution of which it is impossible for us to give any thing more than a very general idea. He appears to possess, in perfection, the patient industry and habits of research which the work demanded; an acute and logical mind, with very little imagination or passion, and well stored with that sort of information, which such a mind, combined with such powers of application, is apt to acquire. He seems perfectly familiar with the modern and ancient historians and orators, and to have studied diligently the progress of all the sciences connected with government and legislation, from the earliest speculations to their most recent advances. It is not difficult, after this character, to imagine how he has performed his task. Those parts in which picturesque description, and the power of warm and interesting narrative might have been displayed, are not made the most of by him. But in the careful investigation of facts, and of the inferences to be drawn from them—in illustrating his subject by help of the widest range of historical knowledge—in discriminating between the real and apparent causes of events—in the examination of policy—in the exposition of the motives of the actors, and the consequences of their acts—in unfolding

'—the drift of hollow states hard to be spelled,'

he leaves little to be desired. Of partiality in bending facts or opinions in favour of any individual or any party, we have not discovered the least symptom; and though it may be invidious to pry into the causes of so good a quality, we are apt to attribute his merit, on this score, to his habits of thought, as much as to his love of justice. He has evidently formed to himself a very high standard of attainable perfection in matters of government, and seems to entertain no little contempt for all practical statesmen. He is therefore nowise disposed to exaggerate the merits of persons with whom he feels so little in common. He is sparing of his censure and of his praise; and the influence of no name or party can procure an exemption from his scrutiny, for a fallacy or an error.

There is one objection against Mr Mill, which he anticipates, and against which he reasons in a manner to us very satisfactory. He has never been in India; and has at best but a slight acquaintance with the languages of the East: and, at first sight, this objection may appear of some importance. If we take two persons of the same station in life, one of whom has resided in India, while the other has never left this country, we shall of course generally find the former much better acquainted with Indian affairs than the other, who has probably read and thought very little about them. On the other hand, all those who have made per-

sonal observations on India, are apt to undervalue the information which can be obtained from books, and create a monopoly which will secure the reception of the opinions which they choose to dispense to us. Mr Mill contends, that though some knowledge may be acquired by seeing India, which cannot be acquired without it; yet, that the qualifications which can be acquired in Europe, are much more essential to the composition of a history of India; and that a life spent in travelling in India, or in the acquisition of languages, is almost incompatible with the habits of deciding on the testimony with which the historian has to deal, and the knowledge which is necessary to convey just ideas on the nature and tendency of the great measures on which he has to form a judgment. He remarks, too, that as the powers of observation in any one individual are very limited, a competent knowledge of so large a scene as India could never be obtained but by combining the testimony of many; and that it is therefore very doubtful how far it is desirable that one of the witnesses should be called to decide on this complex evidence—especially as conceptions derived from the senses are much more vivid than those supplied by description; so that, when some small part of a great mass of knowledge has come from observation, and the rest from testimony, however indisputable, it can scarcely but happen, that the impressions received from the senses should exert an undue influence, and render the conception of the whole erroneous. To this we may add, that the most enlightened of the Company's servants have ever been most ready to acknowledge how little their own habits, and the reserve of the Hindoos, will allow them to learn of native society; and our readers may remember, that, in a former Number, we noticed the work of a French missionary, published by the Court of Directors, for the express purpose of supplying their officers with somewhat more knowledge on this subject, than by their personal exertions they would be able to procure. It is also an advantage not to be overlooked, that Mr Mill has not been drawn into the vortex of an Indian party. The writers on the affairs of India have too frequently been men who have either themselves filled high stations, or, being attached to this or that ruler by ties of gratitude, have been disposed, at all events, to defend his particular system of administration. Their productions are excellent materials for history; but it is well for us, and for themselves, that they are not historians.

Mr Mill 'proposes, 1. To describe the circumstances in which 'the intercourse of this nation with India commenced, and the 'particulars of its early progress, till the era when it could be 'first regarded as placed on a firm and durable basis. 2. To 'exhibit as accurate a view as possible of the people with whom

'our countrymen had then begun to transact—of their charac-'ter, history, manners, religion, arts, literature and laws; as 'well as of the physical circumstances of climate, soil and pro-'duction, in which they were placed. 3. To deduce to the pre-'sent times a history of the British transactions in relation to 'India,' &c. &c. The matter is divided into six books. The First contains the commencement and progress of the British intercourse with India, till the establishment of the Company on a durable basis, by the act of Queen Anne. The Second book is on the Hindoos; the Third on the Mahomedans; and these three fill the first volume. The Fourth book comprises the period from 1708, till the change in the constitution of the Company in the year 1773. The Fifth book continues the history to the time of Mr Pitt's act in 1784, the second great change in the constitution of the Company; and the Sixth, which comprises the whole of the third volume, brings down the narrative to the conclusion of the Mahratta war in 1805,—with which the history terminates.

The Company, in the name of which so great an empire is now governed, originated in a charter of Queen Elizabeth in 1600, and made its first adventure in 1601, for which 68,373*l.* were subscribed. An anecdote is preserved by Mr Mill, which will show, that, in their humble origin, they displayed a spirit of independence which would grace their higher fortune. While their patent of incorporation was still under consideration, an application was made from court for the employment of a Sir Edward Michelbourne in their projected voyage. The Committee, though standing in the situation of petitioners for a favour not yet conceded,—stated it to be their resolution 'not to employ 'any Gentleman in any place of charge;' and requested 'that 'they may be allowed to sort their business with men of their own 'qualitye, lest the suspicion of the employm' of Gentlemen be-'ing taken hold uppon by the generalitie, do dryve a great 'number of the adventurers to withdraw their contributions.' (I. p. 14.) This unwarrantable aversion of the 'Generalitie' to a job, in which they persevered—for there was no Board of Control in those days—is a curious trait of the infancy of their Corporation: But, on the other hand, it is to be remembered that their mercantile dealings were profitable. The trade was, as is well known, carried on in the principles, not of a Joint Stock, but of a Regulated Company—each subscriber managing his respective share of the property on his own account, subject only to certain general regulations. On the eight voyages managed in this manner, leaving out of account one small adventure which was wholly unfortunate, the average profits were no less than 171 per cent. In 1610 the Regulated was changed into a

Joint Stock Company; and the four first voyages conducted on this principle afforded an average profit of 87½ per cent.;—a falling off, compared with the profits of the Regulated Company. After this there are no distinct accounts of the profits: But in 1627 we find the Company stating that they had been obliged to contract a debt of 200,000*l.*, and that their stock was at a discount of 20 per cent;—their 100*l.* shares selling at 80*l.* About the same time we find them complaining of the envy and malice of the Dutch, who are chiefly accused of selling their goods so cheap, and buying Indian goods so dear, 'that they thrust the Company out of the markets of the East.' It soon appears, however, that 'this effect defective came by cause.'

'From servants at a vast distance,' says Mr Mill, 'and the servants of a great and negligent master, the best service could not be easily procured. For this discovery, the Directors were indebted, not to any sagacity of their own, but to a misunderstanding among the agents themselves, who betraying one another, acknowledged that they had neglected the affairs of their employers to attend to their own, and, while they pursued with avidity a private trade for their own benefit, had abandoned that of the Company to every species of disorder.' I. p. 41.

The truth is, that they began thus early to clamour against all competition and free trade; and in 1639 complained to the King, that if the license given to a Sir W. Courton was not withdrawn, they would be compelled to abandon their trade altogether. The true effects, too, of a free trade, seem to have been well understood at the time, if not by the Company itself, at least by their intelligent rivals. For Cromwell having granted a commission in 1657 to fit out four ships for the Indian trade, under the management of a Committee, the measure, it seems, was misunderstood in Holland,—and it was supposed that the Protector had thrown entirely open the trade to the East.

'The interests of the Dutch Company made them see, in this supposed revolution, very different consequences from those which the English Directors made them believe or pretend that they beheld in it. Instead of rejoicing at the destruction of a joint stock in England, which they ought to have done, if by joint stock alone the trade of their rivals could be successfully carried on, they were filled with dismay at the prospect of freedom, as likely to produce a trade with which they would attempt competition in vain.' I. p. 53.

From this time till 1667, the operations of the Company were very feeble;—they abandoned many of their out-factories in India, and exhibited every symptom of a declining commerce. In particular years their exports did not amount to more than 20,000*l.* After 1667 their dealings were greatly enlarged; but we are still left in the dark as to the profits. At the time of the Revolution, the Royal authority under which the Company not

only traded, but had been in the habit of seizing their fellow-subjects in the East, and of trying their servants by martial law, began to be questioned; and the House of Commons at last denied the power of the Sovereign to restrain, without the sanction of Parliament, the freedom of trade. A new Association obtained an act of Parliament in its favour; but after some negotiations which are well known, the two Corporations were joined under the name of the United Company of Merchants trading to the East Indies;—and in 1708, they were secured by Parliament in the exclusive possession of the trade to the East, till the expiration of three years notice after March 25th, 1726.

At the time of the new charter of the Company, its powers were thus distributed. All the proprietors who possessed 500*l.* stock assembled in a General Court, were invested with the supreme legislative authority. All laws and regulations, all declarations of dividends, all grants of money, were made by them. The executive power was vested in 24 Directors, chosen from among persons possessed of 2000*l.* stock, by the General Court. It was their duty to act under the ordinances of the Proprietors, and to manage the business of routine. They had a Chairman and Deputy Chairman to preside in the courts. Mr Mill's remarks on this constitution are in themselves important, and form a good specimen of his manner of reasoning. After comparing this Corporation to the constitution of England, he says—

'In the constitution, however, of the East India Company, so much power was allotted to the democratical part, that a small portion appears to have been reserved to the other two. Not only were the sovereignty and the aristocracy both elective, but they were elected from year to year; that is, were in a state of complete dependence upon the democratical branch. Nor was this all. No decrees but those of the democracy were binding, at least in the last resort: the aristocracy, therefore, and monarchy, were subordinate and subject. Under the common impression of democratic ambition, irregularity and violence, it might be concluded that the democratic assembly would grasp at the whole of the power, would constrain and disturb the proceedings of the Chairmen and Directors, would deliberate with violence and animosity, and exhibit all the confusion, precipitation and imprudence which are so commonly ascribed to the exercise of popular power.

'The actual result is extremely different from what the common modes of reasoning would prompt common minds to infer. Notwithstanding the power which, by the theory of the Constitution, is thus reserved to the popular part of the system, all power has centered in the Court of Directors; and the government of the Company has been an oligarchy in point of fact. So far from meddling too much, the Court of Proprietors has not attended to the common af-

fairs, even sufficiently for the business of inspection: And the known principles of human nature abundantly secured that particular result. To watch, to scrutinize, to inquire, is labour; and labour is pain. To confide, to take for granted that all is well, is easy, is exempt from labour, and, to the great mass of mankind, comparatively delightful. If they who transact, therefore, have only sufficient prudence to avoid those occurrences which are calculated to rouse the people for whom they transact, the people will allow them abundant scope to manage the common concerns in a way conformable to their own liking and advantage. It is thus that all constitutions, however democratically formed, have a tendency to become oligarchical in practice. The more numerous body, who constitute the democracy, see the objects of ambition at so great a distance, and the competition for them is shared with so great a number, that, in general, they make but a feeble impression upon their minds: The small number, on the other hand, entrusted with the management, feel so immediately the advantages, and their affections are so powerfully engaged by the presence of their object, that they easily concentrate their views, and pour their energies with perfect constancy in the selfish direction. The apathy and inattention of the people, on the one hand, and the interested activity of the rulers on the other, are, in politics, two powers, the action of which may always be counted upon; nor has the art of government as yet exemplified, however the science may or may not have discovered, any certain means by which the unhappy effects of that action may be prevented.' II. p. 4.

In India, the Company's affairs were, at this time, and long continued to be, directed by three Councils, at Bombay, Madras, and Calcutta—which were generally composed of the senior servants of the Company. But those persons were not debarred from holding subordinate situations;—and they consequently distributed among themselves the most lucrative places in their gift, no matter how incompatible with their functions as rulers. It seldom, if ever, happened, that some of each Council were not appointed chiefs of the more important factories, to which they transferred their residence; while, by their rank and power, they pretty securely defied all censure for malversation or negligence. We should not mention this practical instance of the incapacity of a Joint-stock Company to conduct a commercial concern with advantage to itself and to the nation, did we not recollect, that the trade of this country with the most populous empire in the world, and the sale of one of the most important articles of domestic consumption, is still monopolized by such a body.

In 1732, the charter of the Company was renewed, on the condition of their making some advances of money to the Government. But there had been so much opposition, that they thought it prudent not to provoke its renewal by allowing the

full period of their monopoly to expire;—and accordingly, in 1744, when nobody was thinking of the matter, and when the Government was in great want of money, they made a proposal to lend the state a million at 3 per cent., provided the period of their exclusive privileges were prolonged to the expiration of three years notice from March 1780. The bribe was accepted; and the Company thus secured in their exclusive trade for half a century without discussion. To show the real motive of the transaction, which originated in no overflow of capital, the Company was authorized to *borrow*, on its own bonds, the million which it was to *lend* to the Government.

About the middle of the century, a new era began in India. The European companies had long been kept in awe by the prodigious numbers which the native powers could bring into the field; and having generally neither able officers nor experienced troops, had never ventured to try the effect of European discipline against enemies to whom they seemed so unequal. Some experiments of the French led the way to the conquest of Hindostan by their ancient rivals;—much in the same manner as the expedition of the ten thousand and the campaigns of Agesilaus opened the Persian monarchy to the attacks of Alexander. A large army of the Nabob of Carnatic, in 1746, invested Madras, which was then in the hands of the French, by whom it had been taken from the English. A single French battalion, which was then in the town, attacked the army, astonished them by the rapid discharges of its artillery, and gained a decisive victory. The French, too, at Pondicherry first set the example of training sepoys in the European manner. The experience of the weakness of the native armies against European discipline, and the facility of imparting that discipline to natives in the European service, are the two discoveries which have given India to the most energetic of the European nations who happened to have a footing there.

The history of the Company in its new character, as a Sovereign power, is one of the most instructive narratives which are anywhere to be found—from the complete manner in which the motive of every transaction has been laid bare. From the distance of the scene from the seat of government in England, it has always been necessary that the local agents should immediately commit to writing their exposition of every occurrence. From the constitution, too, of the Presidencies or Councils in India, debates generally took place, in which reasons were urged for and against the different measures, which were afterwards recorded in the shape of Minutes. The Directors were also obliged to send out very full instructions in their letters; and all these documents have been open to inspection, whenever the British

Parliament could be persuaded to call for them. At the period of Hastings's trial, the most searching inquiries were made; and all the documents which could throw any light on the early history of British India, were produced and commented upon by the keenest minds of the age. To this complete exposure Mr Mill attributes the appearance of profligacy in the conduct of the Governors of India, more than to any actual inferiority to other rulers, whose actions have not been laid so open. We are inclined, however, to think, that their conduct has been really worse; though we are far from supposing, that, individually, they have been more profligate than other sovereigns; and we shall state in a few words the grounds of this opinion.

The only real securities which a people can possess against the oppression of rulers over whom they have no legal control, are to be found in the dread of Shame, in the Sympathy in the sufferings or the welfare of those around us, or in the dread of Insurrectionary vengeance. Now, in India, these securities are feeble indeed. There, no shame can attach to oppression—for there is no public opinion which European rulers can be made to feel. The causes which remove the English from public opinion, debar them from sympathy with the natives. We feel little sympathy for those among whom we have not lived in our childhood, and among whom we do not expect to pass our old age. We feel little for those whose complaints we do not hear in our own language, whose habits we despise, who are constantly guilty of acts which we are accustomed to regard as crimes, and who, however we afflict them, afflict themselves still more by a voluntary submission to the dictates of a cursed superstition. Still less, perhaps, shall we find among those adventurous men who govern India, a dread of insurrection. They possess a military power sufficient to overwhelm all oppotion; and those provinces which are the most tempting to oppressors, are the least formidable from the nature of their population. Most of their property, too, is secure in England; and they have there a sure refuge for themselves. These remarks apply with the same force to the transactions with native princes, as to those with their native subjects. It is not to be denied that the manners and religion of European rulers must deter them from those acts of wanton cruelty which will be found to stain the annals of Asiatic conquerors, and from some of those barbarities which serve rather to shock the feelings of a hearer, than to form a serious article in the account of a nation's sufferings. But, in opposition to the interest of rulers, the influence of manners and religion on their policy, must at the best be casual and uncertain.

Accordingly we find, at the very outset of the history of the

Company as a governing body, a series of acts of treachery and unjust violence, sometimes for the benefit of the Company, sometimes for that of their servants, such as it would not be easy to match in the annals of men whom we are accustomed to consider as the worst of tyrants. We may take, as a specimen, their first interference in the affairs of the native princes in 1749.

A pretender to the throne of Tanjore, who, according to the ordinary rules of succession, had a better claim to the throne than its actual possessor, applied to the Madras Government for an army to support him in his quarrel; and offered, as a reward for their assistance, the possession of a port called Devi-cottah, which it was considered convenient for the Company to obtain. With the ruling prince, Pretaupa-Sing, the Company had corresponded for years, with the fullest recognitions of his title; and in India, the course of succession is in fact so uncertain, that seldom is a sovereign to be found who can make good his title according to our notions of legitimacy. But the promise of Devi-cottah inspired the Company with a flaming zeal for the *jus divinum*; and they despatched an army to desolate Tanjore, and to dethrone its sovereign. This was bad enough; but this was not all. The army got possession of Devi-cottah, according to the bargain; but then it was found, that the establishment of the Company's *protegé* would be rather a difficult task, and therefore they made peace with Pretaupa-Sing, who agreed to concede to them the port in question, and territory worth 9000 pagodas a year; and, in return, these champions of legitimacy stipulated, not only that they would abstain from hostilities, but that they would secure the person of the pretender, the rightfulness of whose claim had been the sole justification of this appeal to arms, that he might give no further molestation to their new ally—who was to allow them 400*l.* for the yearly expenses of their state prisoner. He escaped from his betrayers: but his uncle, the leader of his party, was imprisoned by the English for nine years, till he was released by the French when they took Fort St David, in 1758.

The price of this first piece of treachery in the South was a port;—the price of the next was a kingdom. In the year 1757, after a war with Surajeh-Dowla, Subahdar or Nabob of Bengal, the government of Calcutta had entered into a treaty with that prince. They found it convenient, after the treaty was concluded, to attack a French factory in the Nabob's dominions, in spite of his entreaties and commands. The Nabob, who was threatened by other enemies, did not think it prudent to resent this insult, and still continued on amicable terms with the English, who had a resident at his Court. The Government at Calcutta, however, were more sensitive, and reasoned in this

manner—They had acted so as to entitle the Nabob to expel them from his dominions, whenever he found an opportunity; it was necessary, therefore, that they should follow up their injustice, to secure themselves from punishment: and accordingly, without more ado, they resolved to dethrone the Nabob. Having satisfied themselves as to the propriety of the end, they were not, as might be supposed, very scrupulous as to the means. They debauched his confidential servant and the officers of his army. They promised Meer Jaffier, the paymaster-general of his forces, the sovereignty of Bengal, as a reward for betraying his master, to whom he was also related by marriage; and he promised in return, that when he should be put in possession of the Subahdarry, he would pay 1,200,000*l.* to the Company, under the name of compensation for their losses during the former war, and about as much more to the inhabitants of Calcutta, the army, and the fleet. The business of negotiation was conducted by a Committee of the Council, who, reflecting that quite as much would be accomplished by fraud as by force, thought it but just that they should not forget themselves. This, they would have us believe, was quite an after-thought. 'When this was settled,' says Lord Clive, in his evidence before the Committee of the House of Commons, 1772, speaking of the stipulations we have mentioned, 'Mr Becker, a member, 'suggested to the Committee, that he thought that Committee 'who managed the great machine of government, was entitled 'to some consideration, as well as the army and navy.' 'Such 'a proposition,' observes Mr Mill, 'in such an assembly, 'could not fail to appear eminently reasonable. It met with 'a suitable approbation.' *Colonel Clive and the Governor received* 31,000*l. each, and the other members of the Committee each* 27,000*l.* The army took the field. The Nabob assembled his force to meet it; but the paymaster moved off with his division during the battle; and the English were victorious, almost without a struggle. Surajah Dowla fled, but fell into the hands of Meer Jaffier; by the order of whose son he was immediately assassinated. This atrocious transaction was scarcely heard of in England till fifteen years after, when it was fully investigated by a Committee of the House of Commons in 1773—and resolutions declaring its illegality unanimously adopted. But by this time Clive had been rewarded with an Irish peerage—was a member of that very House of Commons—and had secured in England an immense fortune, the result, in great part, of those acquisitions which were then declared to be illegal. The influence which the Minister of the day might acquire by a compromise with wealthy delinquents, is stated by Burke as one of the worst effects of the possession of India upon the

British constitution. Whether in this instance such a compromise took place, or whether the talents and achievements of Clive awakened compassion in his favour, all attempt to proceed to measures of greater severity against him proved abortive; and future oppressors in India were taught, that even if their delinquencies were exposed, and their acts declared to be illegal by the highest authority in England, means were still to be found by which prosecution and punishment might be averted. When Clive was protected, of course his coadjutors were not punished.

We shall pursue a little further the narrative of proceedings in Bengal. Meer Jaffier the conspirator, it appears, had not been chosen with any great regard to his fitness for the duties of a sovereign. He was found to be voluptuous and indolent. He could not raise the sums which he had promised to pay, and the English could not get money for the troops which they had maintained to defend him. It was convenient, therefore, for them to break the treaty with Jaffier, as they had broken that with his predecessor. Mr Vansittart, who was then Governor of Bengal, entered into a treaty with the son-in-law of the Nabob, Meer Causim, who, in return for the assignment of some districts, and a present of some lacs of rupees to the Company, was to be invested with the whole powers of the administration; Jaffier retaining the name, but nothing of the authority of a Nabob. The palace of Jaffier was seized by English troops; and the arrangement, as it was called, was tendered to him for his approbation. He was assured, that no designs against his person or authority were entertained;—that nothing was proposed beyond *a reform* of the government in the hands of his son-in-law, who would act as his deputy. But he knew the meaning of this language; and thought it quite as honourable, and much more safe, to lead a private life under English protection.

The scene which opened during the reign of his successor, is a still more striking instance of public morality. Meer Causim was a successful financier; he discharged the whole of his pecuniary obligations to the English, and satisfied both his own and his predecessor's troops. He introduced strict economy into his expenditure; and he was improving and new-modelling his army, when his government became involved in disorder by the pretensions of the Company's servants. This, too, requires a word or two of preliminary explanation.

In Hindostan, the transit of goods within the country was subject to duties from time immemorial, and which formed a great part of the revenue of the native governments. At an early

period of their history, the Company had obtained from the Mogul Emperor, a *phirmaun,* or imperial decree, by which the goods employed in their import or export trade were exempted from these imposts. The benefit of this privilege long accrued to the Company alone; and though their servants who engaged in private trade, sometimes sought to participate in it, such attempts were always opposed by the Subahdars as frauds on the revenue, and unfair advantages taken over the native merchants. After the elevation of Meer Jaffier and Causim, however, all the Company's servants usurped this privilege of the corporate body; and when any collector ventured to perform his duty towards these authoritative traders, it was customary to send a party of sepoys to seize him, and carry him prisoner to the nearest English factory. The oppression exercised in this form was incredible. The greater part of the native merchants were driven out of the country trade; while the revenue and its collectors, the Zemindars, were reduced to absolute ruin.

Mr Vansittart the governor of Calcutta interfered to check these enormities; but he was compelled to apply to the Council, without whose authority he was unable to take effectual measures. The majority of the Council, it happened, were hostile to this gentleman; and were, besides, interested in the disorders of which he complained. They not only, therefore, refused to repress them, but pronounced the feeble efforts of the Nabob's officers in behalf of their countrymen, to be symptoms of culpable enmity to the English interest. It should be remembered, to the credit of Warren Hastings, who at that time was a member of Council, that he dissented from the proceedings of this bold majority. The governor then concluded an agreement with the Nabob, by which all the Company's servants were to be allowed to carry on the home trade upon payment of duties far less than those exigible from the native merchants. But to this the Council refused to accede. They declared, with only two dissenting voices (those of Mr Vansittart and Mr Hastings), that the Company's servants had a right, though confessedly it had never been exercised, to trade duty-free,—but, out of regard to the Nabob they would consent to pay a duty of 2½ per cent. (about one tenth of the usual rate) on salt alone. They at the same time decreed, that all disputes between the English and the Natives should be referred, not to the legal tribunals of the country, but to the English heads of factories and residents—that is, as Mr Mill observes, 'to men, not only, in the majority of cases, far too distant to receive the complaints, but, what was still more shameful, men reaping exorbitant profits from the abuses over which they were thus exclusively vested with the judicative power.'

The Nabob, in despair now of the arrangement with Mr Vansittart, wrote to the Council to relieve him from the burthens of the government, since they deprived him of the powers necessary to carry it on; and, as his last resort, he abandoned all the duties on the transit of goods, and laid the interior trade of the country perfectly open. 'Never,' said the Committee of the House of Commons, 'was a method of defeating the oppressions of monopoly more forcible, more simple, or more equitable.' But its equity was of little avail to the Nabob. The Council, incredible as it may seem, *denied his power to take off the duties*, and seriously asserted that he was bound to continue to burthen his people with taxes, in order that the English might enjoy a comparative advantage by being exempt from them. For this unheard-of offence he was hurried into war, defeated, and actually deposed!—and, with his deposition in 1764, ended almost the appearance of independence in the Nabobs of Bengal. It was on the strength of transactions like these, of which we should tire our readers if we went through the catalogue, that Burke made the sweeping assertions, 'that there was not a single 'prince, state, or potentate with whom the Company had come 'into contact whom they had not sold,—that there was not a 'single treaty they had ever made which they had not broken, '—that there was not a single prince or state, who had ever put 'trust in them, who was not utterly ruined.' We are accustomed to rate very highly the security which is derived from being governed by men having the advantages of English education and English feelings. But it affords a lesson of melancholy instruction as to the feebleness of this security, when we see gentlemen eminently possessed of these advantages, and placed far above the reach of want, ready to destroy the commerce of a great country, to break down the administration of justice, to oppress the people, to violate treaties, to kindle a war, and to depose a monarch, their ally, merely to secure to themselves the profits of an illegal traffic.

When we find our Indian rulers exempt from so many of the checks which exist in the most arbitrary of the European States, some of which even exist in the simple Asiatic despotisms, we are naturally led to inquire how far this deficiency is supplied by the controlling authority in England: And here, if we could even forget that the persons who are so to be coerced are the relations, the friends, at any rate the countrymen of the Directors,—that the persons in whose behalf they are to interfere, are neither of the same country, nor colour, nor language,—are strangers whom they will never see, and whose sufferings it requires an effort of the imagination even to picture to themselves; yet we must remember, that oppression is not a simple act, a plain open proceeding, which can be put an end to by a simple

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precise order. It springs up in a thousand different forms, and requires continually renewed efforts to repress it. We must remember, that with the native powers there must be constant opportunities for war, if war be desired,—which it is vain for persons 9000 miles distant to attempt to anticipate. But, besides this, nothing is more common in the history of British India, than instances in which the most positive orders of the Directors have been absolutely contemned by their servants in the East. We shall select a few cases connected with the events to which we have just alluded.

In a letter of the Directors to the Governor and Council of Bengal, dated Feb. 8, 1764, they said that 'one great source of the disputes and misunderstandings which had occurred with the country governments, appears evidently to have taken its rise from the unwarrantable and licentious manner of carrying on *the private trade* by the Company's servants, &c. In order, therefore, to remedy all these disorders, *we do positively order and direct, that from the receipt of this letter, a final and effectual end be forthwith put to the inland trade in salt, betel nut, tobacco, and all other articles whatever produced and consumed in the country.*' II. p. 210.

On the 17th of October of the same year, this letter was taken into consideration by the Council at Calcutta. The great articles of the internal trade of Bengal were salt and betel nut—salt being, out of all proportion, the most important. Tobacco was an object so inconsiderable, that few, if any, of the Company's servants had ever engaged in it. The Board, therefore, with appearance of proper submission, gave up the trade—*in tobacco*—which was of no value—but retained the trade in betel nut and salt! On the 1st of June a second letter had been written by the Court of Directors, nearly in the same terms with the former. But the Committee, instead of yielding obedience to this reiterated order, determined *to defer all proceedings* till the arrival of Clive; and, in the mean time, the course of the inland trade remained undisturbed.

On May the 3d, 1765, Clive arrived at Calcutta, invested with the power of Commander in Chief, President and Governor in Bengal, and authorized, together with four gentlemen, to act with full authority, as often as they deemed it expedient, without consulting the Council, or being subject to its control. Before the beginning of June, Clive and this committee, with one exception, instead of abolishing the inland trade, actually *formed a partnership for buying up large quantities of salt.* During the month of June the purchases were made; and in nine months the parties realized a profit, including interest, of about 45 per cent. Clive himself stated, in his speech in the House of Commons, that this flagrant disobedience of the Company's orders 'was intended for the benefit of his Secretary, his Sur-

geon, and an old friend and relation;'—and this he considered as an excuse!

After the profits of this transaction had been secured by the purchases that had been made, it was at last resolved, by the Select Committee, that a monopoly should be formed of the trade in salt, betel nut, and tobacco, to be carried on for the benefit of the superior servants of the Company,—the profits being divided in certain proportions. In the mean time, the Directors had written a *third* letter, in February 1765, confirming their previous orders for the abolition of the trade, and positively requiring that no steps whatever should be taken towards the renewing this traffic, without their express leave. On the 19th of February 1766, they again declared that they considered the subsistence of this trade 'as an express breach 'and violation of their orders, and as a determined resolu- 'tion to sacrifice the interests of the Company and the peace of 'the country to lucrative and selfish views:' And they added, 'Whatever government may be established, or whatever un- 'foreseen circumstances may arise, it is our resolution to *pro- 'hibit, and we do absolutely forbid, this trade of salt, betel nut 'and tobacco*, and of all articles which are not for export and 'import:'—And they ordered that all Europeans concerned in that traffic thenceforward should be sent to England, to be proceeded against as guilty of a breach of covenants.

Notwithstanding this fourth express prohibition, the Committee proceeded, on the 3d of September in the same year, *to renew the monopoly!*—Clive in his minute availing himself of the excuse, which can never be wanting in such a case, that the Directors could not have the least idea of 'that favourable 'change in the affairs of these provinces, whereby the interest 'of the Nabob, with regard to salt, is no longer immediately 'concerned.' On the 9th of December, new fulminations of the Directors reached Calcutta, which Clive did not, perhaps, think it worth while to resist, as, in less than a month afterwards, he declared his intention of returning to England. The Trade Society, for so this monopoly partnership was called, was then ordered to be dissolved; but, under pretence of contracts formed, and advances made, its dissolution did not in fact take place till the 14th of September 1768, more than *four years and a half* after the positive declaration of the Directors that the traffic should be at once abolished.

Nor is this by any means a solitary instance of disobedience. About the time when the Directors first ordered that the inland trade should be abolished, they had also, in the most express terms, prohibited their servants from receiving any Presents beyond a limited amount;—and, indeed, it is obvious,

that, without some such enactment, the leading natives could possess nothing which might not be extorted from them. On the revolution in favour of Meer Jaffier, about 1,200,000*l.* was received by the army and navy, and different individuals, as donatives; Clive's share alone being 234,000*l.* From Meer Causim, 200,269*l.* were extracted—from Meer Jaffier, on his re-ascending the throne, 437,000*l.*; so that, including large sums which were received under the name of restitution for some previous losses, it was proved that 5,940,498*l.*, or very near *six millions sterling*, had been procured from this family of princes, in the course of a few years,—besides smaller sums which must have escaped detection. Now the orders to execute the covenants against the receipt of presents, arrived on the 24th of January 1765, previously to the formation of a treaty with Nujeem ad Dowla, who was made Nabob on the death of Meer Jaffier: But instead of giving obedience to this necessary mandate, it does not appear that the Governor ever brought the orders under the consideration of the Council, until the arrival of Clive; and, in the mean time, 139,357*l.* were obtained by different members of the government, in the shape of presents (not without suspicion of extortion) from the minister of the puppet who had been decked with the trappings of sovereignty. On Clive's arrival, the covenants were transmitted to the armies and factories, and were immediately executed,—with one remarkable exception. General Carnac, who then commanded the army in the upper provinces, forbore to execute his own, on the pretence that it was dated incorrectly. On his return to Calcutta, however, he executed this same contract without scruple—having, *in the interval*, received a present of two lacs of rupees (23,000*l.*) from the impoverished Emperor of the Moguls!—Such was the manner in which the commands of the Government in England, on the most important measures of their administration, were contemned,—and always with perfect impunity. Similar instances of disobedience meet us indeed at every stage of the history. To enumerate those which occurred while Hastings was Governor-General, would be to give a detailed account of his administration. But we must now proceed to matters of still higher interest.

The examinations of the attempts to remedy the defects which were supposed to exist in the Company as a governing body, and to prevent the recurrence of evils which were known to have arisen in the government of India, form some of the most instructive portions of Mr Mill's work. They are those, too, of which it will be most easy to convey an idea. There are parts of the narrative, which are of superior interest and equal value; but the most valuable branch of historical evidence, consists of circumstances too minute and too multiplied, not to suffer by abridgment, or even by selection.—When the nation first wit-

nessed the great acquisitions of territory in India by the Company, the most extravagant expectations were formed of the wealth which would flow in upon this country. The traditional ideas of Indian riches had taken a strong hold of the imagination of the people; and the prodigious fortunes acquired in Hindostan by a few Englishmen who were of humble rank among their own countrymen, though they had held in their hands the destinies of Asiatic kingdoms, were calculated to keep up the delusion. It was not at that time generally understood, that the inhabitants of India were very low in the most important arts of industry,—and that it was not very probable that a distant dependency, held by force of arms, could be made to yield a surplus revenue, after defraying the expenses of its government. There was a time, however, when some such revenue appeared to exist: For the annual sum of 400,000*l.* was paid by the Company for some years after 1769, as a sort of temporary compromise of the claims of the nation, on the advantages to be derived from the Indian territory. But, in 1772, when they had been favoured by some years of peace, and when, according to the common anticipations, they should have begun to feel symptoms of repletion, rather than of inanition, the Directors were obliged to obtain a loan of 600,000*l.* from the Bank of England; and, immediately after, applied for, and procured from the Minister, a further loan of 1,400,000*l.* of the public money,—declaring, that without such an aid they could not avoid bankruptcy.

This occurrence came upon the public by surprise; and the disappointment which was universally felt, induced the Parliament to underake an inquiry into the state of our Indian dominions, —a duty which they owed to the numerous inhabitants of those countries, but which might have been much longer neglected, if the promised supplies of Indian treasure had not failed. In the course of this inquiry, it was proved, that the changes which had been unproductive to England, had been calamitous to Hindostan; and, among other facts, were brought to view, the various acts of treachery and rapacity, by which the empire had been established. A feeling of indignation was of course excited, which, like the same feeling at all times, did not favour an accurate investigation of causes. It was under the name of the East India Company that acts of oppression, treachery and malversation, had been perpetrated; and it was rather rashly concluded, that to diminish or transfer the powers of government from the Company, would be a sufficient security against similar results in future.

There were, at that time, as there generally have been, two great nostrums for curing all evils in India. The ministers of

the Crown thought, that if a great part of the power of the Company were transferred to the King's servants, all difficulties would vanish; and the Lawyers imagined, that nothing but an extension of the blessings of English law was necessary to secure the happiness of the Hindoos. It was observed, too, that many individuals, returned from India, found their way into the Court of Proprietors, and might exert themselves to screen from punishment those delinquents with whom they had been formerly leagued, or whose impunity might be necessary to their safety.

It was under the prevalence of these ideas, that the first great change was made in the constitution of the Company. By the law passed, in 1773, after great opposition from the Directors and Proprietors, the qualification for a vote in the Court of Proprietors was raised from 500*l.* to 1000*l.* stock. To every proprietor possessed of 3000*l.* two votes; to every one possessed of 6000*l.* three; to every one possessed of 10,000*l.* and upwards, four votes were given. Six of the Directors only were to be reelected annually. In India, the government of Bengal, Bahar, and Orissa, was vested in a Governor-General and four Councillors; and to them the other Presidencies were rendered subordinate. A Supreme Court of Judicature, composed of a Chief-Justice and three other Judges, was established at Calcutta. The Governor-General and Councillors were named by Parliament—that is to say, by the Minister—to hold their offices for five years; after which the patronage was to revert to the Directors. The Judges were to be appointed by the Crown, and were independent of the Company. It was also provided, that every thing in the Company's correspondence from India which related to the civil or military affairs of the government, should be laid before the Ministry.

It is not now necessary to enter into a minute examination of this plan. To raise the amount of the qualification of the Proprietors, was a measure ill adapted to shut out those delinquents, of whose crimes wealth was the sure accompaniment. If there was an appearance of preventing tumult by diminishing the number of votes, 'private cabal and intrigue,' observes a famous Committee of the House of Commons, 'was facilitated 'at least in an equal degree; and it is cabal and corruption, 'rather than disorder and confusion, that are most to be dread- 'ed in transacting the affairs of India.' In India, the plan produced confusion and disorder enough. There were more conflicts between the Presidencies, more acts of disobedience to the Directors, more dissensions in the Council, more violence and treachery towards the Native Powers, than at any former period; and, with all this, the debt went on increasing as rapidly as the territories were extended. The plan for the establishment of a Supreme Court of Judicature, produced effects

so remarkable, that it will be useful to give some idea of them, especially as they throw light upon some very prevailing prejudices.

'The grand source of mischief to the natives,' says Mr Mill, 'in the jurisprudential plan, was the unfortunate inattention of its authors to the general principles of law, detached from its accidental and national forms. As the vulgar of every nation think their language the natural one, and all others arbitrary and artificial, so a large mass of Englishmen consider English law as the pure extract of reason, adapted to the exigencies of human nature itself;—ignorant that, for the greater part, it is arbitrary, technical, ill adapted to the general ends which it is intended to serve; that it has more of singularity, and less capacity of adaptation to the state of other nations, than any scheme of law to be found in any other civilized country. Yet this whole system, the British Parliament, or British Ministry, transplanted to Bengal exactly as it stood; and imagined that they had amply provided for the administration of justice in India. And the violent efforts which were made, to bend the rights of the natives to a conformity with the English laws, for the purpose of gratifying a pedantic and mechanical attachment to the arbitrary forms of the Westminster Courts, produced more injustice and oppression, and excited more alarm, than probably was experienced through the whole of its duration, from the imperfection of the previous powers of law and judicature.' II. p. 300.

This Court was empowered to administer in Bengal all the departments of English law. It was a court of Common Law and a court of Equity; a court of Oyer and Terminer and gaol delivery; an Ecclesiastical Court, and a Court of Admiralty. Its jurisdiction extended over all British subjects, and 'to all 'suits, actions, and complaints' *against* any person 'directly 'or indirectly in the service' of the Company, or of any British subject, as well as to such claims by British subjects against natives, as the parties to any contract had agreed, in case of dispute, to submit to its decision. When the state of Bengal at that time is taken into consideration,—the condition in which the Company stood, administering some departments of the government in its own name, leaving others to a nominal Nabob, —the uncertain relation of the Zemindars to the government, some asserting that they were landholders, others that they were merely collectors of revenue,—there will scarcely be found, amongst the speculations of the wildest theorists, any thing so fraught with the most mischievous confusion, as this careless and ambiguous enactment. Yet the authors of it were no doubt persons who prided themselves on being practical men.

The Court was professedly intended for the protection of the natives against European oppression: and one of its first operations was the trial of Nuncomar. The fate of this man is well known. He had accused the Governor-General, Hastings, be-

fore the Council, of receiving presents contrary to law. The Council wished to inquire into the subject; but Mr Hastings protested against all inquiry, and attempted to prosecute his accuser for a conspiracy. The prosecution failed; but, in the mean time, Nuncomar was accused of a forgery committed some years before the establishment of the Supreme Court;—he was tried by that court—convicted on doubtful evidence—and sentenced to death. Forgery is not punishable with death either by the Mahomedan or Hindoo laws. Yet the sentence was carried into execution before the King's pleasure could be known. He was hanged amidst the shrieks of thousands of his countrymen. It is not necessary to inquire whether this act could be *legally* justified; —though it certainly would have been just as legal to have executed any Mahomedan inhabitant of Calcutta for bigamy, under the statute of James I. Such an inquiry would not assist us in forming an estimate of its effect on the Hindoos. It was enough that they saw a man of the highest rank in their society and religion, who had stood forward to inculpate an English ruler, punished with death, for a crime which they had never before seen visited with such a penalty. They knew not for what acts of their life they might not be pursued to their destruction, if they ventured to contend with men who could wield the terrible powers of a law, of which the nature or extent was unknown. Mr Hastings, from that moment, was no more troubled with the accusations of the natives.

Such was the effect of the Supreme Court in the protection of the natives against occasional oppression;—and its effect on the ordinary course of justice was not less extraordinary. The indiscriminate introduction of the English rules as to giving bail and allowing *Habeas Corpus*, produced of themselves the most intolerable abuse and injustice; while the misapplication of the technical doctrine of *Corporations*, was fruitful of other absurdities. The obstruction to the course of justice, indeed, soon became so great, that nothing better occurred to the resident government, than to make it the interest of this Supreme Court virtually to suspend its proceedings. Accordingly, in 1780, a notable plan was devised by Warren Hastings for preventing all collision between the King's and the Company's Courts. He created an office of 7000 or 8000*l.* a year, which was to be held by *the Chief Justice,—at the pleasure of the Governor and Council.* This office, the Chief Justice, Sir Elijah Impey, accepted; and the Supreme Court would probably have become as tranquil as could have been wished, had not this compromise attracted the notice of Parliament, and Sir Elijah been recalled. About the same time, however, an act was passed (1782) to restrain the jurisdiction of the Supreme Court, by some defini-

tions, which, if they had been framed at first, as they might have been by a moderate exercise of reason, instead of being adopted only as the result of a groping experience, would have saved seven years of alarm and disorder.

Of Mr Fox's India bill, by which the power and patronage of India was to be lodged in the hands of seven Commissioners to be named by Parliament, as an attempt to improve the Government of India, Mr Mill has a very low opinion. It is indeed remarkable, if we examine the ablest defence of that measure which has been left us, (Burke's speech on the second reading), that while the Government of India, under the Company, was shown to be one of the worst that had ever existed, there was little attempt to show in what manner the Government of the seven Commissioners to be nominated by Parliament would be better. The main argument used in support of the new plan, was undoubtedly a fallacy. The Government of India, it was said, would be Judicial,—because the rulers were to be removeable only in the same manner in which Judges might be removed, by address of either House of Parliament. But it was not observed, that in whatever degree the duties of Judges were better performed than those of other public functionaries, was in a small degree attributable to their being exempt from the influence of the fear of dismissal, while they were open to the influence of so many other sinister motives;—that it was to be much more attributed to the publicity of their proceedings, which, unless the law be very imperfect and uncertain, makes it impossible for them to act with gross impropriety, without drawing down on themselves the most heavy moral punishment. In how very different a situation would the Commissioners have been, who had to decide in secret, on subjects respecting which there could be no fixed rules to guide them, and who, while they had to control public functionaries appointed by themselves, would never have received the praise of their vigilance and probity, or the discredit of their neglect or connivance, from the people for whose benefit they were appointed to act?

The bill of Mr Fox, however, though its progress and fate form an interesting part of English history, has much less to do with that of India than the plan of his celebrated rival, which has been carried into full effect. The plan of Mr Fox was direct and intelligible; the plan of Mr Pitt was, both as to its object and operations, involved in studied mystery. A Board was established, composed of four members, (besides the Chancellor of the Exchequer and one of the Secretaries of State), the duties of which were defined, or, as Mr Mill says, 'not defined at all, but rather adumbrated, in the following vague and uncertain terms.' They were 'from time to time, to check, su-

perintend, and control, all acts, operations, and concerns which in anywise relate to the Civil and Military Government or Revenues of the territories and possessions of the said United Company in the East Indies.'.... 'All correspondence relative to the Government was to be communicated to this Board; all letters from India, as soon as received; all letters, orders, or instructions intended for India, before they were sent'.... The most material clause was that by which the Court of Directors were 'bound to yield obedience to every command of the Board, and to send out all orders and instructions to India which it pleased the Board to alter and amend.' In the second edition of the bill, when a sure majority made the Minister bold, a power was added, by which, in cases of secrecy, and cases of urgency, of which the Board itself was to be the judge, the Board of Control might issue and transmit its own orders to India without the inspection of the Directors. . . . 'It is easily understood,' continues Mr Mill, 'that when one body has the power of unlimited command, and another is under the obligation of unlimited obedience, the latter has no power whatsoever, but what the former is pleased to allow. This is the relative position of the Board of Control, and the East India Company. The powers of the Board of Control convert the Company's Courts into agents of its will. The real, the sole governing power of India, is the Board of Control; and it only makes use of the Court of Directors as an instrument, a subordinate office, for the management of details, and the preparation of business for the cognisance of the superior power. That such is the real nature of the machine, is perfectly evident; though hitherto its movements have been generally smooth; the Directors having ventured on nothing disagreeable to the Government, and the trouble of regulating all the business of detail being readily left to them.'

Mr Mill then examines in what manner that part of the business of governing India in which the Board of Control really takes a share, is affected by their interference. He considers that the President, the only efficient member of the Board of Control, appointed as he is by Parliamentary influence, is not very likely, in appropriate talent or knowledge, to be superior to the Court of Directors. That the Board have no motives to application, is evident; and it is just as plain, that the Court of Directors must be discouraged from a labourious consideration of the measures of Government, when all the fruits of their knowledge and thought may be rejected by the mere caprice of the individual President. As to the increase of probity which is to be expected from the operation of this plan, he observes, that the sanction of public opinion, which would operate upon

either the Directors or the Board of Control, separately taken, must be infinitely diminished when these bodies act together, and, by sharing, go far to annihilate the responsibility;—while, if we consider them separately, the President of the Board of Control is much less exposed to public opinion than the Court of Directors formerly were; because, being considered as a mere instrument of the Minister, he can be little regarded as the object of individual praise or censure. Neither the Directors nor the Board, it may be admitted, have any direct interest in the misgovernment of India. The indirect interest to which they may be exposed, are, the love of ease, and the temptations to abuse patronage and connive at delinquency. In the conduct of the Directors, with respect to patronage, Mr Mill finds much to praise. Though they are no doubt guided by their private convenience in the appointment of the youths destined for the different departments; yet all of their nominees go out in the lowest situations, and can rise only by degrees; and, before they are of sufficient age or standing in the service to occupy the stations in which they can do much mischief, the Directors, by whom they have been sent out, have generally retired from the direction. But Parliamentary interest creates a stronger motive in the Board of Control, both for the abuse of patronage, and a connivance at delinquency, than any which can exist among the Directors; and as the men in the highest stations in India are now sure to be appointed on account of their close union with the Ministry, they are just as sure to be screened from exposure and punishment. As to the notion of the two Bodies checking each other by their tendency to opposite malversations, Mr Mill justly observes, that the common result of all such contrivances is, that the two parties speedily fall upon a compromise, under which the one is allowed freely to follow out its own interests, on condition of its extending a similar indulgence to the other. This is the effect of the greater part of the checks upon misgovernment, which have ever been established in the world; and it is a law, from which the Board of Control and the Court of Directors form most assuredly no exception. The most important consideration of all, however, in comparing the old with this new scheme of government, is, that so long as the Indian management was independent of the Minister, he had no interest in hiding its defects—but might often acquire popularity by disclosing them; while it is now his interest to prevent inspection, to lull suspicion asleep, and to ward off the first movements towards inquiry.

It was provided by the same bill, that no act of the Directors which had received the approbation of the Board of Control, should be affected by any proceeding of the Court of Proprie-

tors. It was also ordained, that the Court of Directors should choose a committee of not more than three of their body, under the name of a Committee of Secrecy, who were to transmit the orders which the Board of Control might frame, and which required secrecy, without communicating them to the Court of Directors at large—and receive the answers to these orders under the same concealment;—a regulation which enables the Board of Control, at any time, to annihilate the Court of Directors, as well as the Court of Proprietors.

The *early* history of the Board of Control affords the best opportunities for judging of its merits: For the Court of Directors and the Board *now* understand one another too well to expose their mutual defects. But, for some time after its formation, the two Bodies had not found their proper level; and the disclosures then made, confirm the speculations of Mr Mill. In 1785, the Board of Control compelled the Court of Directors, in opposition to their remonstrances, and in defiance of an act of Parliament, to set aside a revenue of 480,000*l.* a year to discharge, without inquiry, some claims on the Nabob of Arcot by Europeans, of which there is the best reason to believe that the greater part were fraudulent;—for, upon similar claims which were afterwards submitted to adjudication, it was found that only 130,000*l.* should be awarded. The motive of this profligate misapplication of the Company's money, could not be mistaken. The principal claimants, among whom was the celebrated Paul Benfield, had been jobbers on an unusually large scale in seats in the House of Commons, and had supported the party of the Minister with the whole of their ill-gotten influence. Notwithstanding the scrutiny to which the acts of the Directors had been exposed, it is impossible to find among them anything to match this proceeding of those who had been appointed to control and purify their administration, and to look down on them with impartial eyes from a height far above the clouds and storms of Indian influence and Indian intrigues.

But the obstacles arising from improbity and negligence at home, or even from the sinister interests of the agents of the Company abroad, are not the only difficulties which occur in the government of India. Much of the misery of the people has arisen from an ignorance of the condition of that country, and from a very imperfect acquaintance with the general principles of government, on the part of those who have honestly endeavoured to ameliorate it. Changes without number have been made in the mode of collecting the Revenue, and administering Justice in our territories, with a success lamentably contrasted with the zeal and confidence with which they were undertaken.

It would be impossible for us, within our limits, to give an idea of all of these changes; but Mr Mill's examination of the financial and judicial reforms of Lord Cornwallis, the most boasted and most extensive of all these measures, must not be suffered to pass unnoticed. The result of former experiments upon those subjects may be taken from his Lordship's words. 'I 'am sorry,' says he to the Court of Directors, 'to be obliged to say, that agriculture and internal commerce have, for many 'years, been *gradually declining*; and that, at present, excepting the class of shrofs and banyans' (the money-changers and the black agents of Europeans), 'who reside almost entirely in 'great towns, the inhabitants of these provinces are *advancing hastily to a general state of poverty and wretchedness.*—In this description I must even include almost every zemindar in the 'Company's territories; which, though it may have been partly occasioned by their own indolence and extravagance, I am 'afraid must also be, in great measure, attributed to the defects 'of our former system of management.'

In India, nearly the whole of the revenue has at all times been derived from the land. Originally, the crops were divided in certain proportions between the cultivator and the government, which took its share in kind; but, before this division took place, certain deductions were made. The country was divided into parishes or townships, which constituted little communities, having, each within itself, a species of government. There was in each of them a *potail*, or head man, a registrar of the accounts, ministers of religion and education, and a variety of handicraftsmen and labourers. From the produce of the land a certain customary share was taken for each of these official persons, before the division between the ryot or cultivator, and the government, took place. Dr Buchanan, in his Journey through Mysore, describing the distribution of the produce in this manner, estimates the deductions made for the village officers at 5¼ per cent. Of the remainder, 10 per cent was paid to the collector as his wages; and the heap thus reduced by 15¼ per cent., was then divided into halves between the king and the cultivator. This account of the distribution of the produce of the soil, which will be found to accord pretty nearly with the general practice, though in some cases the share left to the cultivator was much less than that which was taken by the king, will show that the sovereign, deriving as he did from the land the greatest profit, was truly the proprietor of the soil, if there could be said to be any proprietor; and all the Europeans who visited the East before the Zemindarry controversy was excited, concur in this opinion. It is better, however, not to apply European terms to a state of things entirely different from

any of which we have had experience in Europe. If the rights of the different classes of inhabitants be accurately ascertained, the question, who is to be called the proprietor, is as unimportant in all cases, as it is in this instance absurd. Mr Mill, we think, does not enough attend to the confusion introduced by the use of inapplicable terms. The sovereign derived as large a share of the produce as could in general be paid as rent, if European practice had prevailed; the ryot or cultivator retained as little as any tenant would have been allowed to retain; but his possession was hereditary, and he had the complete power of alienation. The revenue agents, without descending to the annual assessment of each ryot, often levied a given sum on each village (or parish), and left the villagers to settle their quotas among themselves.

When the Mogul government extended itself over the greater part of the Indian continent, the sovereigns, impatient of details, rendered the revenue agents stationary, and made them responsible for the revenues of their districts, on which they received a per centage. From the convenience of nominating to the office persons well acquainted with the resources of the district, as the sons of preceding collectors were likely to be, and from the general habit of Indian monarchs, the collectorships became hereditary in the families of their holders. The Mogul government, which was in many respects considerate and humane, seldom displaced those officers without some serious cause of displeasure; and even when it superseded them, generally made some allowance to preserve them from degradation or want. To these collectors the Persian name of Zemindar had been given; and they had been liberally invested with all the powers necessary to enforce payment. They were allowed to keep up a military force, by which they might extort the taxes from the refractory; and the whole business of judicature and police in their districts, with the exception of that of inflicting the highest punishments, devolved upon them. Armed with this authority, they in general took from the ryots, not merely the legal assessment, but everything beyond what was necessary to keep them in existence; and often desolated whole districts by their oppressions. Yet by law they were only entitled to allowances amounting to about 10 per cent.; and, to restrain them in their exactions, was one of the duties by which, when effectually performed, an Indian sovereign acquired the greatest reputation.

To Europeans who saw the Zemindars living in great splendour, and enjoying the highest degree of authority and estimation, it seemed unreasonable to consider them as mere collectors of revenue. Some Englishmen, of authority and talents, who saw the wanton manner in which the rights of these individuals

were sported with by Hastings, attempted to excite commiseration for them, by giving them names, most closely allied in English ears with respectability and property. They were called by Burke, and by Committees of the House of Commons,—the nobility and gentry,—the great landholders and freeholders of India; and were represented as holding the country as tenants *in capite*, having the ryots as their subordinate tenants. The creation or preservation of a landed aristocracy, by dint of the associations which these words excited, grew to be an object of first-rate importance to the English rulers: and Lord Cornwallis, under the instructions of the Directors, made a settlement with the Zemindars for the revenues of their districts; and, in 1793, they were declared hereditary proprietors of the soil, upon payment, as a land-tax not to be enhanced, of the sum then assessed. In the haste to accomplish this darling object, many important inquiries were neglected. Of the sum which the country could bear to pay, the government had no better grounds to judge, than the amount actually levied on the average of some of the preceding years. As to the ryots, they were left to the Zemindar, with a mere general recommendation, that, in the sum demanded, he should be guided by the custom of the place. One security only was thought of for them. The Zemindar was to give them a *pattah*, or lease, containing the terms which he imposed; and on those terms, their possession also was to be as permanent as his own. The settlement with the Zemindars, which was permanently fixed, had, in the first instance, been made for ten years only: but, at the time that it was first proclaimed (in 1789), Lord Cornwallis declared his resolution of using all his influence with the Court of Directors to make it perpetual. Mr Shore (since Lord Teignmouth), on whom Lord Cornwallis had chiefly relied for information respecting the revenue, opposed this determination of the Governor-General, and urged the deficiency of knowledge under which the matter had been arranged. Though a great advocate of the Zemindarry system, he alleged, that abuses existed in the mode of dealing, on the part of the Zemindars, towards the ryots, which no sufficient expedients had been employed to correct; and he desired that an opportunity might be left of introducing the improvements which ten years' experience might suggest. In the opinion of Lord Cornwallis, however, the advantages of a permanent settlement outweighed all inconveniences; and though the rights of the ryots, and some other classes, had not been enough attended to, yet as the Zemindars, now become proprietors, had an interest in the improvement of the country, they would not fail, he thought, to deal mildly and equitably towards their tenants.

In this calculation of Lord Cornwallis, there were some notable blunders. Mr Mill truly observes, that while, at every step which they took, Lord Cornwallis and the Directors disclaimed being guided by 'abstract theories drawn from other countries, and applicable to a different state of things,' it was only by an imperfect or misapplied theory, derived from the case of their own country, that they were truly directed. It was undoubtedly true, that the highest efforts for the improvement of the land, can be expected from none but proprietors. But it is not from all sorts of proprietors that these efforts are to be looked for. Where ignorance prevails, where the possessions are large, and where the landlord has great power over the immediate cultivators, improvement is not to be expected merely because the land is private property. In Russia and in Poland, the soil has been for centuries private property: but how slow is the progress of improvement! Under the Zemindarry settlement, all these causes operated with full force. The possessions were extremely large, and the state of ignorance of the people was most gross. To a man who enjoys large possessions, the slow results of improvements cannot form an object powerfully to affect the mind. In all states, and more especially in a rude and ignorant state of society, the love of power is much more prevalent among those already raised above want, than the love of money. To insure the dependence of the tenantry is, even now among the great landlords in England, an object much more at heart than to enhance the value of their estates. But if we find, even in a few instances, gentlemen in England, by refusing to grant leases which are as beneficial to themselves as to the tenants, sacrificing improvement to the small quantity of arbitrary power which the law allows them to possess, how much more frequently must we expect to meet with the same spirit among persons having the habits and education of Zemindars in Hindostan? These, however, are trifling objections; for the very basis of the system was fallacious—and the two parts of the plan were opposed to each other in irreconcileable contradiction. Fixed *pattahs*, or perpetual leases, were to be given to the ryot;—the rent was never to be increased. Yet it was expected that the Zemindar, under these circumstances, would have an interest in the improvement of the soil; and much was calculated on from his paternal care. Yet it was evident, as an Indian authority * remarks, that, in such a situation, it might be 'the Zemindar's interest, not to assist, 'but to ruin the ryot, that he might eject him from his right of

* Mr Thackeray's Memoir, April 1806;—5th Report of Committee of House of Commons, 1810.

'occupancy, and put in some one else on a raised rent; which 'will often be his interest as the country thrives and labour 'gets cheap.'

Lord Cornwallis also carried into effect a complete change in the Judicial department of the Government. The Directors, in 1786, free as they boasted from the influence of 'abstract theories,' had established the same persons as collectors of the revenue, Judges in the Duannee Adauluts, and heads of the police, each in his district. Lord Cornwallis was not blind to the abuses which might grow out of this system; and he devised the following plan of judicature. In each district (Zillah), and in each considerable city, a Zillah or city court was established. A servant of the Company, of a higher rank than the collector, was the judge; and he had a register, and one or more assistants, appointed from among the younger servants of the Company. Each court was provided with a native qualified to expound the Hindu or Mahomedan law, in cases which turned upon either of those codes; and four courts of appeal were established at Patna, Dacca, Moorshedabad, and the neighbourhood of Calcutta.

In the establishment of this system, and indeed in the whole reforms projected at this period, the best intentions seem to have prevailed. But these intentions were counteracted by the effects of an English prejudice. The mode of proceeding in Hindostan, before the native courts, had been simple, rational, and entirely free from technical impediments. The plaintiff presented himself; told his case in plain language; and the judge proceeded to inquire, in the manner which seemed to him best calculated to elicit the truth. Instead of this, the forms of the English law were substituted; and the consequence was, that justice could not be obtained, in any case, where the sum at stake was not sufficient to defray the expense of an advocate or *Vakeel:* and the whole technical apparatus of an English suit was, with one remarkable exception, enjoined as indispensable. The courts were ordered to proceed in a summary manner in Revenue causes. The Government saw that speedy justice was necessary to itself; but it established another sort of justice for its subjects.

Before inquiring into the practical consequences of these plans, we should call to mind the state in which Bengal was, when they were first contemplated, in order to estimate the sum total of the effect of our government on the people of India. We have already quoted the declaration of Lord Cornwallis, that the inhabitants of these provinces were 'advancing hastily 'to a general state of poverty and wretchedness.' On another occasion he says, 'I may safely assert, that one-third of the Com-

'pany's territory in Hindostan is now a jungle, inhabited only 'by wild beasts.' * In his address to the Court of Directors, dated November 17th, 1790, he says, 'Your possessions in this 'country cannot be said to be well governed, nor the lives and 'property of your subjects to be secure, until the shocking abuses 'and the wretched administration of justice in the fougidarry '(criminal) department can be corrected.' Yet at that time, as at almost every other, the unexampled prosperity of our Indian territories was constantly held forth in Parliament as matter of congratulation. We may first examine what became of the project for establishing a landed aristocracy in the persons of the Zemindars; which will not long detain us. In default of payment of the tax, a part of the land of the Zemindars was put up to sale, to discharge the arrears to the Government. Against the Zemindars, therefore, the Government had a speedy remedy. But, against the ryots, our new feudal chiefs had to proceed through the tedious forms of the courts. The necessity of selling the lands immediately began, and proceeded with extraordinary rapidity. In the year 1796, the land advertised for sale comprehended a rent-roll of 2,870,061 rupees, or nearly one-tenth of Bengal, Bahar, and Orissa: † And thus, in one year, a tenth part of the permanent possessions of the new-made aristocracy, from whose lasting interest in their property were to be derived security and protection to the cultivator, and strength and harmony to the whole State, was swept away. By the progress of this operation, the whole class of the ancient Zemindars was speedily destroyed. In 1802, nine years after the Zemindars had been made permanent, Sir Henry Strachey, in his answer to a list of interrogatories which had been circulated to the Judges, stated, that 'an *almost universal* destruction' had overtaken the Zemindars; and that, if *any* survived, they were, 'according to the notions of the Company's servants, reduced 'to the same condition, and placed at an equal distance from 'their masters, as their lowest ryots.' In the same year the collector of Midnapore says,—

'All the Zemindars with whom I have ever had any communication, in this and in other districts, have but one sentiment respecting the rules at present in force for the collection of the public revenue. They all say, that such a harsh and oppressive system was never before resorted to in this country;—that the custom of imprisoning landholders for arrears of revenue, was, in comparison, mild and indulgent to them;—that though it was, no doubt, the intention of

* Minute, 18th September 1789. Fifth Report, *ut supra*.

† The total assessment of these provinces was 30,254,563 rupees, or 3,509,539*l*.

Government to confer an important benefit on them by abolishing this custom, it has been found, by melancholy experience, that the system of sales and attachments, which has been substituted for it, has, in the course of a very few years, reduced most of the great Zemindars in Bengal to distress and beggary, and produced a greater change in the landed property of Bengal than has perhaps ever happened, in the same space of time, in any age or country, by the mere effect of internal regulations.'

The decisions of the courts, impeded as they were by the tedious forms prescribed to them, were so slow, that, in the space of two years, the accumulation of undecided causes threatened to arrest the course of justice. In the district of Burdwan alone, the suits pending at one time exceeded 30,000; and, by computation upon the established pace of the court, it appeared that no new candidate for justice could expect to obtain a decision during the ordinary period of life. The effects of such a state of things, in a country where nothing but the arm of the law can obtain his rents for the landlord, or preserve the tenant from exaction and oppression, according as each may happen to be the stronger party, may be easily imagined. The state of the courts of justice accelerated the destruction of the Zemindars.

The condition of the ryots, under the new regulations, it is not so easy to ascertain; but there is every reason to believe, from incidental circumstances, and the casual declarations of the servants of the Company, that their depression was less striking than that of the Zemindars, only because they were previously much nearer the lowest level. When their rights were sacrificed to the establishment of the Zemindars as landholders, it was argued that the permanent interest of their landlords in the improvement of the property, would compensate them for this loss. We have shown, that where *pattahs* were given, the Zemindar had no such interest; and it has been shown by the fact, that the permanency of the tenures of the Zemindars has not existed. It does not appear that *pattahs* were generally given; and when they were given, on the sale of an estate for arrears, they were all cancelled. The Zemindar was in the habit of letting his district to one great farmer, and he to middlemen, to whose exactions upon the ryots there was no restriction. 'The interchange of engagements between the parties,' says Mr Thompson, judge and magistrate of Burdwan, 'with few exceptions, 'extends no further than the Zemindar's farmer, who is here 'called the sudder (or head) farmer, and to those among whom 'he subdivides his farm in portions. An engagement between 'the latter and the cultivator, or head of a village, is scarce-

'ly known, except the general one to receive and pay, agree- 'able to past and preceding years.' Sir Henry Strachey observes, 'The ryots are not, in my opinion, well protected by 'the revenue laws, nor can they obtain effectual redress by pro- 'secuting, particularly for exaction and dispossession....The 'delay and expense attending a lawsuit are intolerable, in cases 'where the suitor complains, which almost invariably happens, 'that he has been deprived of all his property.' In 1799, the Zemindars were empowered to recover their rent by attachments. On this, the same intelligent Judge remarks—'It was, 'I believe, the design of Government, (a very reasonable and 'liberal design, in my opinion), to enable the Zemindars to col- 'lect their just demands of rent with punctuality, and without 'expense: And I think it would have been just and consi- 'derate, at the same time, to have facilitated to the ryots the 'means of obtaining redress against extortioners.' But it did not suit the prejudices or the finances of the Bengal government to make the administration of justice cheap and expeditious to all. He adds, that 'exaction of revenue is now, and I presume al- 'ways was, the most prevailing crime throughout the country;' and, adverting to the impossibility of the ryots procuring redress, from the expense and delay of the law, he says, 'The 'laws regarding attachments are greatly abused, and are pro- 'ductive of extreme oppression.'

We have already given a glimpse of the effects of the judicial reforms in accumulating cases beyond the powers of the courts to determine. Instead of meeting this monstrous evil, either by a multiplication of courts, or a simplification of their forms, the Government has thought it better to discourage litigation, by imposing taxes on the institution of every suit, and on the proceedings in the course of it. This plan, which was contrived in 1795, is still in favour with the rulers of Bengal; and, in 1810, obtained the approbation of a committee of the House of Commons. 'Nothing,' Mr Mill observes, 'is more easy than to lessen the business of the courts of law, or, indeed, to produce its annihilation. What are the means? The most obvious in the world—denial of justice. Decree, that no person whatsoever, who is less than six feet high, shall be admitted to sue in a court of justice, and you will reduce the business to a very manageable quantity: Decree, that no man who is less than eight, and you reduce it to nothing. A man's stature is surely as good a test to judge by, whether he has received an injury, as his purse.' Mr Mill has examined this expedient with his usual acuteness, and reasoned with great force on the absurdity of supposing that it is the dishonest litigant alone, or chiefly, who is deterred by the factiti-

ous expense of legal proceedings; and he clearly points out the encouragement which it affords to oppression. His reasoning claims attention, because it is universally applicable. But, to the purpose before us, it is also important to observe, that in some countries the expedient which drives the poor from courts of justice, may be less felt as a grievance, from the sympathy which exists between the poor and the rich, and the moral checks which public feeling provides against oppression,—but that in India none of these palliatives operate; and it is seen in its naked mischievousness, as a plan to deprive of the chief benefits of civil society, those who stand most in need of its protection.

But the matter unfortunately is not a subject of speculation, but of experience. For the honour of the British character, there have not been wanting in India, Judges, from whose enlightened minds the Bengal government might have derived instruction, and from whom no Legislature need have been ashamed to ask it. They have had the means of observing the effect of this expedient, and the honesty to declare it. Sir Henry Strachey observes, that 'exaction of revenue,' which he has described as the prevailing crime in Hindostan, and against which the unhappy peasant can only seek redress in a court of justice, 'is peculiarly difficult of proof.' The production of many witnesses, and many documents, is therefore necessary; but, on the production of each of these, a tax is levied on the plaintiff. 'It is not the original fee,' he says, 'on the institution of the suit, but the subsequent charges on exhibits and on witnesses, that appear to me intolerable. I have often seen a suitor, when stripped of his last rupee, and called upon for the fee on a document, produce in court a silver ring, or other trinket, and beg that it might be received as a pledge; and, after all, perhaps cast for want of money to bring proof.' As to the pretence, that the expense checks litigiousness, he asserts, that scarcely in five cases out of a hundred are the demands of the plaintiff false or frivolous; and he observes, that 'a man is disabled from sustaining expense in proportion as he 'is poor, and not in proportion as he is litigious.'—'It is my 'opinion,' he says, 'that the nearer we approach to the rule, 'of granting to all speedy justice without any expense what- 'ever, the nearer we shall, in our judicial system, approach 'perfection. It will not, I imagine, be denied, that it is desir- 'able the least tedious and least expensive mode of obtaining 'redress should be open, where an injury has really been suf- 'fered. When a poor man has been oppressed, he should be 'freed from trouble and expense, and assisted and encouraged

'as much as possible in prosecuting his complaint. He is not, 'in such a situation, a fair object for taxation. It does not 'become the ruling powers to add to his misfortune, by levy-'ing impositions upon him.' The Judges of the Court of Appeal at Moorshedabad, (Mr Colebrooke, Mr Pattle, and Mr Roche), in their Report in 1802, say, 'The increased expense 'of lawsuits has never been found to check litigiousness: On the contrary, it has been generally observed, that litigiousness is encouraged thereby; in the hope that the certainty of the expense, added to the uncertainty of the result, might deter parties from defending even just rights. On comparing the half-yearly reports of the several *adauluts* in this division, it does not appear that the number of suits filed, since the establishment of the fees and stamp-duties, differs much from the number filed in a similar period previous thereto.' This expedient failed, therefore, even of producing the effect of rendering the quantity of business manageable. In spite of repeated augmentations of law expenses, the Judges have been quite unsuccessful in their endeavours to keep down the number of causes. In 1803 the Directors remarked, in one of their despatches, 'on the almost incredible number of causes undecided;' that 'to judge by analogy of the courts of Europe, they would 'be induced to think so great an arrear could scarcely ever 'come to a hearing:' And at so late a period as March 1812, notwithstanding some palliatives which had been adopted, they say—'We should be sorry, that, from the accumulation of such 'arrears, there should ever be room to raise a question, whe-'ther it were better to leave the natives to their own arbitrary 'and precipitate tribunals, than to harass their feelings, and in-'jure their property, by an endless procrastination of their suits, 'under the pretence of more deliberate justice.'

As to the very obvious remedy of increasing the number of courts, this was of course suggested in the Committee of the House of Commons; but the remark which they made on it (in 1812) will be instructive to those, if any such yet remain, who, in defiance of reason and of 60 years' experience, look forward to the receipt of a surplus revenue from India. 'An aug-'mentation,' they say, 'of the number of European Judges 'adequate to the purpose required, would be attended with an 'augmentation of charge which *the state of the finances* is not 'calculated to bear; and the same objection occurs to the ap-'pointment of assistant Judges.' We have seen that the revenue actually levied was so great, in comparison of the ability of the country to pay it, that the means adopted to enforce payment involved the whole body of the Zemindars in ruin; yet even this revenue is insufficient, under the expensive system of

administration which we have established, to enable us to perform to the natives the first duty of rulers—the distribution of justice.

The effects of Lord Cornwallis's reforms in penal judicature, and in the police, have not been more fortunate. In considering the increase or diminution of crimes, the tests of the merits of a reform of criminal judicature and police, the attention is naturally drawn, in the first place, to those offences which most immediately threaten the security of property and life. In Hindostan, bands of robbers, called, in the language of the country, *decoits*, combined in numbers which it is impossible for any personal strength or courage to resist; commit crimes, in comparison of which, all other violations of the law shrink into insignificance. Mr Dowdeswell, the secretary to the Government, in a Report which he framed in 1809, on the general state of the police of Bengal, says,

'Were I to enumerate only a thousandth part of the atrocities of the *decoits*, and of the consequent sufferings of the people; and were I to soften that recital in every mode which language would permit, I should still despair of obtaining credit, solely on my own authority, for the accuracy of the narrative......Robbery, rape, and even murder itself, are not the worst figures in this horrid and disgusting picture. An expedient of common occurrence with the decoits, merely to induce a confession of property supposed to be concealed, is, to burn the proprietor with straw or torches, until he discloses the property, or perishes in the flames; and, when they are actuated by a spirit of revenge against individuals, worse cruelties, if worse can be, are perpetrated by those remorseless criminals. If the information obtained is not extremely erroneous, the offender, hereafter noticed, himself committed *fifteen murders* in *nineteen days*; and volumes might be filled with the atrocities of the decoits, every line of which would make the blood run cold with horror.'

Mr Dowdeswell inserts the abstract of some trials, which completely establish that his general expressions are not exaggerated. The species of robbery which is committed by these bands, and so often accompanied with their horrid cruelties, obtains the name of *decoity*. 'This crime,' Sir Henry Strachey, in his Report as Judge of Circuit of Calcutta, in 1802, says, 'has, I believe, *increased greatly* since the British administration of justice.' The convictions, he states, though prodigiously numerous, (for in the six stations of that division there were *four thousand* convicts confined, of whom nine-tenths are probably *decoits*), were very few in proportion to the number of those guilty of the crime. The Judge of Circuit of the Rajeshakye division says, in a letter to the Register of the Nizamut Adaulut,—

'That *decoity* is very prevalent in Rajeshakye, has often been stat-

ed. But if its extent were known, if the scenes of horror, the murders, the burnings, the excessive cruelties, which are continually perpetrated here, were properly represented to Government, I am confident that some measures would be adopted to remedy the evil. ' . . . It cannot be denied, that, in point of fact, there is no security for persons or property. *Such is the state of things which prevails in most of the zillahs* (districts) *in Bengal.* But in this it is much worse than in any other I have seen. I am fully persuaded that no civilized country ever had so bad a police as Rajeshakye has at present.'

Besides this overbearing and alarming crime, which has increased to such a degree as to draw from the Judges themselves the declaration, that there is no security for persons or property in that part of India which has been longest subject to the English power, all other offences are far from having diminished. 'Since the year 1793,' says Sir Henry Strachey, '*all* '*crimes are increased*; and I think most crimes are still increas- 'ing. The present increase of crimes may perhaps be doubt- 'ful; but no one, I think, can deny, that immediately after '1793, (the year in which the reforms were effected), during 'five or six years, it was most manifest and rapid; and that no 'considerable diminution has taken place.' Murders from the slightest motives—the murder of children for the sake of their ornaments, for instance—and the most barefaced perjuries, are the offences which most characterize the people. Not only have tangible crimes increased, but manners have suffered. Sir H. Strachey—the judge and magistrate of Burdwan—and the magistrates of the twenty-four pergunnahs, concur in stating, that the morals of the people have been deteriorated, rather than improved, since the introduction of the British system.

While immorality and crimes increase, and, most of all, those crimes which are accompanied with violence, it will be suspected that the plan of police is not very efficient. The darogahs who had been established by the new system, are allowed by the Committee of the House of Commons (1812) to have been not less corrupt, and much less efficient, than their predecessors the servants of the Zemindars. The Secretary of the Government of Bengal, whose Report we have before quoted, describes 'their avarice and addiction to every species of extortion,' as vices 'which render them a pest to the country.' While wealthy criminals can always purchase impunity,—it appears, by the addresses of the Judges, that the practice of extorting confessions is extremely prevalent—a practice facilitated by the extreme ignorance of the people. In 1807, the Zemindars and other principal inhabitants were vested with the same authority for the apprehension of offenders as the darogahs possessed; but from this plan so much mischief was found to

result, that in 1810 it was abolished. Police spies and superintendants were established in 1808; but they, too, were found to engage as largely as the darogahs in the business of extortion; and, like their brethren in other places, to support imaginary crimes by false accusations, for the sake of obtaining the head-money which was given as the conviction of some species of offenders. In short, whatever class of natives was invested with the powers of the police, or by what names the officers were designated, being found utterly void of all principles of morality or honour, they only added to the number of the plunderers whom they were employed to repress.

Such are the melancholy results of the attempts to improve the condition of Bengal, described not by inimical observers or severe judges, but by the magistrates, who, from the prejudices of their situation, would be inclined to behold every indication of improvement under the auspices of a British administration with a favourable eye. Every person of rank and property reduced to the lowest condition,—the cultivator exposed to intolerable exaction,—the Courts of Justice virtually closed against suitors,—the most terrible of crimes increased to that extent that no security for person or property can be said to exist,—minor offences not diminished,—dissoluteness of morals become more general,—and a police, of which the vices render it, instead of a benefit, a pest to the country;—these, according to the highest authorities, are the characteristics of that part of India, where our reforms have had the longest time to operate.

To this picture must those open their eyes, who have been consoling themselves, on every act of aggression and conquest, however unjust in itself, with the reflection, that the extension of the British power was an extension of benefits and of security to the natives. One advantage has certainly attended the introduction of an English administration: The direct oppression which the superiors exercised, as of right, over their inferiors, is lessened; but that oppression was much less terrible than the increased acts of violence and cruelty of the unlicensed plunderers who were kept in awe by the vigilance of the former rulers; nor can the occasional acts of violence, on the part of the native governments towards its higher subjects, bear a comparison with those regulations, which have produced a greater change in the landed property than was ever known before, and in a few years reduced the majority of the Zemindars to distress and beggary. Change must always be in itself an evil:—but in what instance has so great a change been effected with so little advantage to counterbalance it? We can do little more than press these facts on the attention of our readers, and recommend the acute examination of the causes

of them in the volumes before us, to those who feel for the welfare of the millions of Hindoos for whose happiness we are accountable,—and to those who by their station or talents have the means of promoting it.

A good administration of Justice, and the establishment of the rights of Property, on a judicious and permanent plan, are perhaps the only political blessings which the Hindoos are, in their present state, capable of receiving;—and they are blessings, which, if secured to the whole of our dominions in the East, would entitle us to be ranked among the greatest benefactors of the human kind. But it is not, as we have seen, enough to have the best intentions. The establishment of a good administration of justice, in particular, is attended with appalling difficulties, even in addition to those which have been created by the prejudices of the rulers. Two of them only we shall advert to;—the want of a higher and middle class in the society, on whose probity and intelligence the Government might rely for cooperation,—and the want of that knowledge among the English Magistrates which might enable them to discover truth or falsehood in the statements of the natives. Both these circumstances are adverted to, and deplored by many of the most intelligent of the Magistrates whom we have already quoted; and they speak with a kind of hopelessness of the difficulty of detecting perjury in its ever-varying forms, or of finding any class to whom the powers of police can be entrusted. With the *moral* language of the natives, if we may so express it, the Judges confess that they have never been able to make themselves acquainted; and they declare, that the common rules of evidence would, in India, be inapplicable. 'The honest men,' says one of them, 'as well as the rogues, are perjured.' Witnesses on the part of a prosecution swear to facts in themselves utterly incredible, for the purpose of fully convicting the accused, when the simple truth would have been sufficient. 'Every day's experience and reflection on the minds and manners of the natives serve,' says he, 'to increase my doubts about our capacity to discover truth among them.'* Lord Teignmouth, too, has observed, that the civil servants of the Company, enclosed in their offices from the time of their arrival in India, have neither leisure nor opportunity to become acquainted with a people so widely differing from ourselves. 'What Judge,' says Sir Henry Strachey, 'can distinguish the exact truth, among the numerous inconsistencies of the natives he examines? How often do those inconsistencies proceed

* The Judge of Circuit, Rajeshakye Division, 1808. 5th Report, p. 589.

from causes very different from those suspected by us? How often from simplicity, fear, embarrassment, in the witness? How often from our own ignorance and impatience?—We cannot study the genius of the people in its own sphere of action. We know little of their domestic life; their knowledge, conversation, amusements; their trades and castes; or any of those national and individual characteristics which are essential to a complete knowledge of them. Every day affords us examples of something new and surprising; and we have no principle to guide us in the investigation of facts, except an extreme diffidence of our opinion,—a consciousness of inability to judge of what is probable or improbable.' Their declarations as to the want of any class to whom the business of police can be entrusted, are equally strong and explicit. After quoting some of their opinions, Mr Mill observes—

'Such is the extreme difficulty of distributing justice to a people, without the aid of the people themselves! Such, at the same time, is the utter impracticability, under the present education, circumstances and character of the people of India, of deriving from them the aid which is required! Without a tolerable administration of justice, however, which the people of India are so far from enjoying, every man will acknowledge, that all attempts to improve either their circumstances or their character, must be attended with disappointment. What, then, is the inference? Are the government and the people to go on for ever in their present deplorable situation; the people suffering all the evils of a state of anarchy—the government struggling with eagerness to help them, but in vain?

'If it were possible for the English government to learn wisdom by experience, which governments rarely do, it might at last see, with regret, some of the effects of that illiberal, cowardly, and short-sighted policy, under which it has taken the most solicitous precautions to prevent the settlement of Englishmen; trembling, forsooth, lest Englishmen, if allowed to settle in India, should detest and cast off its yoke! The most experienced persons in the government of India describe, what to them appears the difficulty, almost or altogether insuperable, of affording protection either to person or property in that country, without the assistance of persons of the requisite moral and intellectual qualifications, rooted in the country, and distributed over it in every part. They unite in declaring, that there is no class in India who possess these qualifications; that the powers necesssary for an efficient police cannot be entrusted to the Zemindars, without ensuring all the evils of a gross and barbarous despotism: And they speak with admiration of the assistance rendered to Government by the gentlemen distributed in every part of England. Is it possible, then, to avoid seeing the inestimable services which might have been derived, in this great exigency, from a body of English gentlemen, who, if they had been encouraged to settle as owners of land, and as manufacturers and merchants, would at this time have

been distributed in great numbers in India? Not only would they have possessed the requisite moral and intellectual qualifications—a thing of inestimable value:—they would have possessed other advantages of the highest importance.'....

'It is impossible to reflect upon the situation of English gentlemen, settled in the country as proprietors of land and as manufacturers, without perceiving how advantageously they would be situated for acquiring that knowledge of the natives, in which the Company's servants are proved to be so defective; and for giving that aid in the administration of justice, without which a good administration is not to be attained. Such men would be forced into an intimate intercourse with the natives, whence, under the necessity of employing them, and of transacting and conversing with them in almost all the relations of life, an intimate knowledge would arise. They would have a local influence of great efficacy. They would be useful, beyond all calculation, in maintaining order in a wide circle around them, among a people in such a state of society as that at present found in Bengal.' III. p. 336.

We cannot conceive anything more discreditable to a government, than to place itself in opposition to a measure conducive, and almost essential to the prosperity of a great empire, merely because it would be attended with a chance, at some distant period, of a curtailment of the extent of its dominions. That opposition becomes more absurd or criminal, when the dominions, of which we apprehend the loss, not only are not essential to our safety, but are of no other advantage to us than what may belong to the pleasure or patronage of ruling, and which, instead of affording us either money or men, have been a constant drain upon us both of one and the other. We do not in fact believe, that the obstructions which have been thrown in the way of colonization, have arisen mainly from the idea, that another nation of Englishmen would spring up in India, who might take upon them to govern themselves. Who would be base enough not to wish to see another America arise at a distance which might relieve us from the fear of its rivality?—Who is there who would not hail it as an extension of our honour, that great and happy and independent communities might be created by our descendants in every quarter of the globe, retaining the happiest characteristics of our manners and institutions? The fear of colonization seems to us to have been, in part, a continuation of the Company's dread of interlopers, which, like other habits, has long outlived the circumstances which gave it birth. To this, no doubt, have been added apprehensions not very well defined, that private English adventurers engaged in trade or manufactures, or in the cultivation of the land, might be guilty of some of those acts of tyranny in which the servants of the Company indulged, when they em-

barked in the private trade of the country. But a little reflection will suffice to show, that private colonists or merchants, entering into competition with the natives, with no other advantages than those which superior skill and civilization bestow, must stand in a very different situation from those who united the occupation of merchants, or rather of monopolists, with the possession of the whole judicial, administrative, and military power. Whether, under any encouragement, a sufficient number of Englishmen could be spread in a short time throughout the continent of India, is the question which admits of doubt. But if there could be once established in that country, a considerable body of Englishmen,—not merely civil or military officers, but merchants, manufacturers, cultivators and proprietors, who, while they possessed something of the independence and knowledge of the nation from which they sprung, participated in the interests of the people among whom they resided, a security would be provided for the good government of India, which can never be afforded by a superintending power in another quarter of the globe. A public opinion would be formed which would check the vices of the rulers, while it aided the beneficial exercise of their powers. The judicial offices might be filled by men who knew the people among whom they had to administer justice,—who would not be raised from the counting-house to the judgment-seat, and thence drawn, as they began to be useful, to the council-board;—and the number of Judges might be increased without impoverishing the finances, as the magistrate would not need such a salary as would send him with a fortune to Europe, but would receive some part of his reward in the respect of the people among whom he would have to pass his days.

We have now exceeded our ordinary limits, while we have left untouched many of the most valuable parts of the work before us. The estimate of the state and character of the Hindoos, and the attempt to fix their station in the scale of civilization, illustrated as it is by a prodigious store of appropriate learning, and by some profound views of the origin and progress of society and knowledge, would alone confer a lasting reputation on the author. The narratives and the examination of the administration of Hastings, and the judicial proceedings which followed it—of the government of the Marquis Wellesley, and his policy towards the native powers—are written with diligence, and without partiality or acrimony, and would, on that account alone, were none of the higher qualities of Mr Mill's mind infused into them, serve to interest the Indian reader. The account of Hastings, too, in particular, is a psychological curiosity.

We cannot speak as favourably of Mr Mill's style as of his matter. It has many marks of carelessness, and some of bad taste; and the narration, in a few instances, is not free from that greatest of all defects—obscurity; which has arisen from an inattention to the use of the tenses of the verbs. In his disquisitions, it is vigorous, though not always pure or dignified; and violations of the usage of the language with respect to particular words, are not unfrequently to be met with. But of all these faults, our readers will be able to judge from the extracts, more severely than we can ourselves,—who rise from the reading of the work, grateful for the vast body of information which it conveys, and impressed with respect, not only for the intellectual qualities of the author, but for his high and rare virtues as an historian.

ART. II. *Mémoires et Correspondance de Madame D'Epinay.* 3 vol. 8vo. Paris, 1818.

THERE used to be in Paris, under the ancient regime, a few women of brilliant talents, who violated all the common duties of life, and gave very pleasant little suppers. Among these supp'd and sinn'd Madame d'Epinay—the friend and companion of Rousseau, Diderot, Grimm, Holbach, and many other literary persons of distinction of that period. Her principal lover was Grimm; with whom was deposited, written in feigned names, the history of her life. Grimm died—his secretary sold the history—the feigned names have been exchanged for the real ones—and her works now appear abridged in three volumes octavo.

Madame d'Epinay, though far from an immaculate character, has something to say in palliation of her irregularities. Her husband behaved abominably; and alienated, by a series of the most brutal injuries, an attachment which seems to have been very ardent and sincere, and which, with better treatment, would probably have been lasting. For, in all her aberrations, Mad. d'Epinay seems to have had a tendency to be constant. Though extremely young when separated from her husband, she indulged herself with but two lovers for the rest of her life; —to the first of whom she seems to have been perfectly faithful, till he left her at the end of ten or twelve years;—and to Grimm, by whom he was succeeded, she appears to have given no rival till the day of her death. The account of the life she led, both with her husband and her lovers, brings upon the scene a great

variety of French characters, and lays open very completely the interior of French life and manners. But there are some letters and passages which ought not to have been published; which a sense of common decency and morality ought to have suppressed; and which, we feel assured, would never have seen the light in this country.

A French woman seems almost always to have wanted the flavour of prohibition, as a necessary condiment to human life. The provided husband was rejected, and the forbidden husband introduced in ambiguous light, through posterns and secret partitions. It was not the union to one man that was objected to—for they dedicated themselves with a constancy which the most household and parturient woman in England, could not exceed; —but the thing wanted was the wrong man, the gentleman without the ring—the master unsworn to at the altar—the person unconsecrated by priests—

'Oh! let me taste thee unexcis'd by kings.'

The following strikes us as a very lively picture of the ruin and extravagance of a fashionable house in a great metropolis.

'M. d'Epinay a complété son domestique. Il a trois laquais, et moi deux; je n'en ai pas voulu davantage. Il a un valet de chambre; et il vouloit aussi que je prisse une seconde femme, mais comme je n'en ai que faire, j'ai tenu bon. Enfin les officiers, les femmes, les valets se montent au nombre de seize. Quoique la vie que je mène soit assez uniforme, j'espère n'être pas obligée d'en changer. Celle de M. d'Epinay est différente. Lorsqu'il est levé, son valet de chambre se met en devoir de l'accommoder. Deux laquais sont debout à attendre les ordres. Le premier secrétaire vient avec l'intention de lui rendre compte des lettres qu'il a reçues de son département, et qu'il est chargé d'ouvrir; il doit lire les réponses et les faire signer; mais il est interrompu deux cents fois dans cette occupation par toutes sortes d'espèces imaginables. C'est un maquignon qui a des chevaux uniques à vendre, mais qui sont retenus par un seigneur; ainsi il est venu pour ne pas manquer à sa parole; car on lui en donneroit le double, qu'on ne pourroit faire affaire. Il en fait une description séduisante, on demande le prix. Le seigneur un tel en offre soixante louis.—Je vous en donne cent.—Cela est inutile, à moins qu'il ne se dédise. Cependant l'on conclut à cent louis sans les avoir vus, car le lendemain le seigneur ne manque pas de se dédire: voilà ce que j'ai vu et entendu la semaine dernière.

'Ensuite c'est un polisson qui vient brailler un air, et à qui on accorde sa protection pour le faire entrer à l'Opéra, après lui avoir donné quelques leçons de bon goût, et lui avoir appris ce que c'est que la propreté du chant françois; c'est une demoiselle qu'on fait attendre pour savoir si je suis encore là. Je me lève et je m'en vais; les deux laquais ouvrent les deux battans pour me laisser sortir, moi

qui passerois alors par le trou d'une aiguille; et les deux estafiers crient dans l'anti-chambre: Madame, messieurs, voilà madame. Tout le monde se range en haie, et ces messieurs sont des marchands d'étoffes, des marchands d'instrumens, des bijoutiers, des colporteurs, des laquais, des décroteurs, des créanciers; enfin tout ce que vous pouvez imaginer de plus ridicule et de plus affligeant. Midi ou une heure sonne avant que cette toilette soit achevée, et le secrétaire, qui, sans doute, sait par expérience l'impossibilité de rendre un compte détaillé des affaires, a un petit bordereau qu'il remet entre les mains de son maître pour l'instruire de ce qu'il doit dire à l'assemblée. Une autre fois il sort à pied ou en fiacre, rentre à deux heures, fait comme un brûleur de maison, dîne tête à tête avec moi, ou admet en tiers son premier secrétaire qui lui parle de la nécessité de fixer chaque article de dépense, de donner des délégations pour tel ou tel objet. La seule réponse est: Nous verrons cela. Ensuite il court le monde et les spectacles; et il soupe en ville quand il n'a personne à souper chez lui. Je vois que mon temps de repos est fini.' I. 308–310.

A very prominent person among the early friends of Madame d'Epinay, is Mademoiselle d'Ette, a woman of great French respectability, and circulating in the best society; and, as we are painting French manners, we shall make no apology to the serious part of our English readers, for inserting this sketch of her history and character by her own hand.

'Je connois, me dit-elle ensuite, votre franchise et votre discrétion: dites-moi naturellement quelle opinion on a de moi dans le monde. La meilleure, lui dis-je, et telle que vous ne pourriez la conserver si vous pratiquiez la morale que vous venez de me prêcher. Voilà où je vous attendois, me dit-elle. Depuis dix ans que j'ai perdu ma mère, je fus séduite par le chevalier de Valory qui m'avoit vu, pour ainsi dire, élever; mon extrême jeunesse et la confiance que j'avois en lui ne me permirent pas d'abord de me défier de ses vues. Je fus long-temps à m'en apercevoir, et lorsque je m'en aperçus, j'avois pris tant de goût pour lui, que je n'eus pas la force de lui résister. Il me vint des scrupules; il les leva, en me promettant de m'épouser. Il y travailla en effet; mais voyant l'opposition que sa famille y apportoit, à cause de la disproportion d'âge et de mon peu de fortune; et me trouvant, d'ailleurs, heureuse comme j'étois, je fus la première à étouffer mes scrupules, d'autant plus qu'il est assez pauvre. Il commençoit à faire des réflexions, je lui proposai de continuer à vivre comme nous étions; il l'accepta. Je quittai ma province, et je le suivis à Paris: vous voyez comme j'y vis. Quatre fois la semaine il passe sa journée chez moi; le reste du temps nous nous contentons réciproquement d'apprendre de nos nouvelles, à moins que le hasard ne nous fasse rencontrer. Nous vivons heureux, contens; peut-être ne le serions nous pas tant si nous étions mariés.' I. p. 111, 112.

This seems a very spirited, unincumbered way, of passing through life; and it is some comfort, therefore, to a matrimonial English reader, to find Mademoiselle d'Ette kicking the Chevalier out of doors towards the end of the second volume. As it is a scene very edifying to rakes, and those who decry the happiness of the married state, we shall give it in the words of Madame d'Epinay.

'Une nuit, dont elle avoit passé la plus grande partie dans l'inquiétude, elle entre chez le chevalier: il dormoit; elle le réveille, s'assied sur son lit, et entame une explication avec toute la violence et la fureur qui l'animoient. Le chevalier, après avoir employé vainement, pour le calmer, tous les moyens que sa bonté naturelle lui suggera, lui signifia enfin très-précisément qu'il alloit se séparer d'elle pour toujours, et fuir un enfer auquel il ne pouvoit plus tenir. Cette confidence, qui n'étoit pas faite pour l'appaiser, redoubla sa rage. Puisqu'il est ainsi, dit-elle, sortez tout à l'heure de chez moi; vous deviez partir dans quatre jours, c'est vous rendre service de vous faire partir dans l'instant. Tout ce qui est ici m'appartient; le bail est en mon nom; il ne me convient plus de vous souffrir chez moi: levez-vous, monsieur, et songez à ne rien emporter sans ma permission.' II. p. 193, 194.

Our English method of asking leave to separate from Sir William Scott and Sir John Nicol is surely better than this.

Any one who provides good dinners for clever people, and remembers what they say, cannot fail to write entertaining Memoires. Among the early friends of Madame d'Epinay was Jean Jacques Rousseau—she lived with him in considerable intimacy; and no small part of her book is taken up with accounts of his eccentricity, insanity and vice.

'Nous avons débuté par *l'Engagement téméraire*, comédie nouvelle, de M. Rousseau, ami de Francueil qui nous l'a présenté. L'auteur a joué un rôle dans sa pièce. Quoique ce ne soit qu'une comédie de société, elle a eu un grand succès. Je doute cependant qu'elle pût réussir au théâtre; mais c'est l'ouvrage d'un homme de beaucoup d'esprit, et peut-être d'un homme singulier. Je ne sais pas trop cependant si c'est ce que j'ai vu de l'auteur ou de la pièce qui me fait juger ainsi. Il est complimenteur sans être poli, ou au moins sans en avoir l'air. Il paroît ignorer les usages du monde; mais il est aisé de voir qu'il a infiniment d'esprit. Il a le teint brun; et des yeux pleins de feu animent sa physionomie. Lorsqu'il a parlé et qu'on le regarde, il paroît joli; mais lorsqu'on se le rappelle, c'est toujours en laid. On dit qu'il est d'une mauvaise santé, et qu'il a des souffrances qu'il cache avec soin, par je ne sais quel principe de vanité: c'est apparemment ce qui lui donne, de temps en temps, l'air farouche. M. de Bellegarde, avec qui il a causé long-temps, ce matin, en est enchanté, et l'a engagé à nous venir voir souvent. J'en suis bien aise; je me promets de profiter beaucoup de sa conversation.' I. p. 175-176.

Their friendship so formed, proceeded to a great degree of intimacy.—Madame d'Epinay admired his genius, and provided him with hats and coats; and, at last, was so far deluded by his declamations about the country, as to fit him up a little hermit cottage, where there were a great many birds, and a great many plants and flowers—and where Rousseau was, as might have been expected, supremely miserable. His friends from Paris did not come to see him. The postman, the butcher and the baker, hate romantic scenery—dutchesses and marchionesses were no longer found to scramble for him. Among the real inhabitants of the country, the reputation of reading and thinking is fatal to character; and Jean Jacques cursed his own successful eloquence which had sent him from the suppers and flattery of Paris to smell to daffodils, watch sparrows, or project idle saliva into the passing stream. Very few men who have gratified, and are gratifying their vanity in a great metropolis, are qualified to quit it. Few have the plain sense to perceive, that they must soon inevitably be forgotten,—or the fortitude to bear it when they are. They represent to themselves imaginary scenes of deploring friends and dispirited companies;—but the ocean might as well regret the drops exhaled by the sun-beams. Life goes on; and whether the absent have retired into a cottage or a grave, is much the same thing.—In London, as in Law, *de non apparentibus, et non existentibus eadem est ratio.*

This is the account Madame d'Epinay gives of Rousseau soon after he had retired into the hermitage.

'J'ai été il y a deux jours à la Chevrette, pour terminer quelques affaires avant de m'y établir avec mes enfans. J'avois fait prévenir Rousseau de mon voyage: il est venu me voir. Je crois qu'il a besoin de ma présence et que la solitude a déjà agité sa bile. Il se plaint de tout le monde. Diderot doit toujours aller, et ne va jamais le voir; M. Grimm le néglige; le baron d'Holbach l'oublie; Gauffecourt et moi seulement avons encore des égards pour lui, dit-il; j'ai voulu les justifier: cela n'a pas réussi. J'espère qu'il sera beaucoup plus à la Chevrette qu'à l'Hermitage. Je suis persuadée qu'il n'y a que façon de prendre cet homme pour le rendre heureux; c'est de feindre de ne pas prendre garde à lui, et s'en occuper sans cesse; c'est pour cela que je n'insistai point pour le retenir, lorsqu'il m'eut dit qu'il vouloit s'en retourner à l'Hermitage, quoiqu'il fût tard et malgré le mauvais temps.' II. p. 253-254.

Jean Jacques Rousseau seems, as the reward of genius and fine writing, to have claimed an exemption from all moral duties. He borrowed, and begged, and never paid;—put his children in a poor-house—betrayed his friends—insulted his benefactors—and was guilty of every species of meanness and mischief. His vanity was so great, that it was almost impossible

to keep pace with it by any activity of attention; and his suspicion of all mankind amounted nearly, if not altogether, to insanity. The following anecdote, however, is totally clear of any symptom of derangement, and carries only the most rooted and disgusting selfishness.

'Rousseau vous a donc dit qu'il n'avoit pas porté son ouvrage à Paris? Il en a menti, car il n'a fait son voyage que pour cela. J'ai reçu hier une lettre de Diderot, qui peint votre hermite comme si je le voyois. Il a fait ces deux lieues à pied, est venu s'établir chez Diderot sans l'avoir prévenu, le tout pour faire avec lui la revision de son ouvrage. Au point où ils en étoient ensemble, vous conviendrez que cela est assez étrange. Je vois, par certains mots échappés à mon ami dans sa lettre, qu'il y a quelque sujet de discussion entre eux; mais comme il ne s'explique point, je n'y comprends rien. Rousseau l'a tenu impitoyablement à l'ouvrage depuis le samedi dix heures du matin, jusqu'au lundi onze heures du soir, sans lui donner à peine le temps de boire ni manger. La revision finie, Diderot cause avec lui d'un plan qu'il a dans la tête, et prie Rousseau de l'aider à arranger un incident qui n'est pas encore trouvé à sa fantaisie. Cela est trop difficile, répond froidement l'hermite, il est tard, je ne suis point accoutumé à veiller. Bonsoir, je pars demain à six heures du matin, il est temps de dormir. Il se lève, va se coucher, et laisse Diderot pétrifié de son procédé. Voilà cet homme que vous croyez si penétré de vos leçons. Ajoutez à cette reflexion un propos singulier de la femme de Diderot, dont je vous prie de faire votre profit. Cette femme n'est qu'une bonne femme, mais elle a le tact juste. Voyant son mari désolé le jour du départ de Rousseau, elle lui en demande la raison; il la lui dit: C'est le manque de délicatesse de cet homme, ajoute-t-il, qui m'afflige; il me fait travailler comme un manœuvre, je ne m'en serois, je crois, pas aperçu, s'il ne m'avoit refusé aussi sèchement de s'occuper pour moi un quart-d'heure.... Vous êtes étonné de cela, lui répond sa femme, vous ne le connoissez donc pas? Il est dévoré d'envie; il enrage quand il paroît quelque chose de beau qui n'est pas de lui. On lui verra faire un jour quelques grands forfaits plutôt que de se laisser ignorer. Tenez, je ne jurerois pas qu'il ne se rangeât du parti des jésuites, et qu'il n'entreprît leur apologie.' III. 60, 61.

The horror which Diderot ultimately conceived for him, is strongly expressed in the following letter to Grimm,—written after an interview which compelled him, with many pangs, to renounce all intercourse with a man who had, for years, been the object of his tenderest and most partial feelings.

'Cet homme est un forcené. Je l'ai vu, je lui ai reproché, avec toute la force que donne l'honnêteté et une sorte d'intérêt qui reste au fond du cœur d'un ami qui lui est dévoué depuis long-temps, l'énormité de sa conduite; les pleurs versés aux pieds de madame d'Epi-

nay, dans le moment même où il la chargeoit près de moi des accusations les plus graves; cette odieuse apologie qu'il vous a envoyée, et où il n'y a pas une seule des raisons qu'il avoit à dire; cette lettre projetée pour Saint-Lambert, qui devoit le tranquilliser sur des sentimens qu'il se reprochoit, et où, loin d'avouer une passion née dans son cœur malgré lui, il s'excuse d'avoir alarmé madame d'Houdetot sur la sienne. Que sais-je encore? Je ne suis point content de ses réponses; je n'ai pas eu le courage de le lui témoigner, j'ai mieux aimé lui laisser la misérable consolation de croire qu'il m'a trompé. Qu'il vive! Il a mis dans sa défense un emportement froid qui m'a affligé. J'ai peur qu'il ne soit endurci.

'Adieu, mon ami; soyons et continuons d'être honnêtes gens: l'état de ceux qui ont cessé de l'être me fait peur. Adieu, mon ami; je vous embrasse bien tendrement..... Je me jette dans vos bras comme un homme effrayé; je tâche en vain de faire de la poésie, mais cet homme me revient tout à travers mon travail; il me trouble, et je suis comme si j'avois à côté de moi un damné: il est damné, cela est sûr. Adieu, mon ami.... Grimm, voilà l'effet que je ferois sur vous, si je devenois jamais un méchant: en vérité, j'aimerois mieux être mort. Il n'y a peut-être pas le sens commun dans tout ce que je vous écris, mais je vous avoue que je n'ai jamais éprouvé un trouble d'ame si terrible que celui que j'ai.

'Oh! mon ami, quel spectacle que celui d'un homme méchant et bourrelé! Brûlez, déchirez ce papier, qu'il ne retombe plus sous vos yeux; que je ne revoie plus cet homme là, il me feroit croire aux diables et à l'enfer. Si je suis jamais forcé de retourner chez lui, je suis sûr que je frémirai tout le long du chemin: j'avois la fièvre en revenant. Je suis fâché de ne lui avoir pas laissé voir l'horreur qu'il m'inspiroit, et je ne me réconcilie avec moi qu'en pensant, que vous, avec toute votre fermeté, vous ne l'auriez pas pu à ma place: je ne sais pas s'il ne m'auroit pas tué. On entendoit ses cris jusqu'au bout du jardin; et je le voyois! Adieu, mon ami, j'irai demain vous voir; j'irai chercher un homme de bien, auprès duquel je m'asséye, qui me rassure, et qui chasse de mon ame je ne sais quoi d'infernal qui la tourmente et qui s'y est attaché. Les poëtes ont bien fait de mettre un intervalle immense entre le ciel et les enfers. En vérité, la main me tremble.' III. 148, 149.

Madame d'Epinay lived, as we before observed, with many persons of great celebrity. We could not help smiling, among many others, at this anecdote of our countryman David Hume. At the beginning of his splendid career of fame and fashion at Paris, the historian was persuaded to appear in the character of a Sultan; and was placed on a sofa between two of the most beautiful women of Paris, who acted for that evening the part of inexorables, whose favour he was supposed to be soliciting. The absurdity of this scene can easily be conceived.

'Le célèbre David Hume, grand et gros historiographe d'Angle-

terre, connu et estimé par ses écrits, n'a pas autant de talens pour ce genre d'amusemens auquel toutes nos jolies femmes l'avoient décidé propre. Il fit son début chez madame de T * * *; on lui avoit destiné le rôle d'un sultan assis entre deux esclaves, employant toute son éloquence pour s'en faire aimer; les trouvant inexorables, il devoit chercher le sujet de leurs peines et de leur résistance: on le place sur un sopha entre les deux plus jolies femmes de Paris, il les regarde attentivement, il se frappe le ventre et les genoux à plusieurs reprises, et ne trouve jamais autre chose à leur dire que: *Eh bien! mes demoiselles....Eh bien! vous voilà donc....Eh bien! vous voilà....vous voilà ici?* ....Cette phrase dura un quart-d'heure, sans qu'il pût en sortir. Une d'elles se leva d'impatience: Ah! dit-elle, je m'en étois bien doutée, cet homme n'est bon qu'à manger du veau! Depuis ce temps il est relégué au rôle de spectateur, et n'en est pas moins fêté et cajolé. C'est en vérité une chose plaisante que le rôle qu'il joue ici; malheureusement pour lui ou plutôt pour la dignité philosophique, car, pour lui, il paroît s'accommoder fort de ce train de vie; il n'y avoit aucune manie dominante dans ce pays lorsqu'il y est arrivé; on l'a regardé comme une trouvaille dans cette circonstance, et l'effervescence de nos jeunes têtes s'est tournée de son côté. Toutes les jolies femmes s'en sont emparées; il est de tous les soupers fins, et il n'est point de bonne fête sans lui; en un mot, il est pour nos agréables ce que les Genevois sont pour moi.' III. 284, 285.

There is always some man, of whom the human viscera stand in greater dread than of any other person, who is supposed, for the time being, to be the only person who can dart his pill into their inmost recesses; and bind them over, in medical recognisance, to assimilate and digest. In the Trojan war, Podalirius and Machaon were what Dr Baillie and Sir Henry Halford now are—they had the fashionable practice of the Greek camp; and, in all probability, received many a guinea from Agamemnon dear to Jove, and Nestor the tamer of horses. In the time of Madame d'Epinay, Dr Tronchin of Geneva was in vogue, and no lady of fashion could recover without writing to him, or seeing him in person. To the Esculapius of this very small and irritable republic, Madame d'Epinay repaired; and, after a struggle between life and death, and Dr Tronchin, recovered her health. During her residence at Geneva, she became acquainted with Voltaire, of whom she has left the following admirable and original account—the truth, talent, and simplicity of which, are not a little enhanced by the tone of adulation or abuse which has been so generally employed in speaking of this celebrated person.

"Eh bien! mon ami, je n'aimerois pas à vivre de suite avec lui; il n'a nul principe arrêté, il compte trop sur sa mémoire, et il en abuse souvent; je trouve qu'elle fait tort quelquefois à sa conversation; il

redit plus qu'il ne dit, et ne laisse jamais rien à faire aux autres. Il ne sait point causer, et il humilie l'amour-propre; il dit le pour et le contre, tant qu'on veut, toujours avec de nouvelles graces à la vérité, et néanmoins il a toujours l'air de se moquer de tout, jusqu'à lui-même. Il n'a nulle philosophie dans la tête; il est tout hérissé de petits préjugés d'enfans; on les lui passeroit peut-être en faveur de ses graces, du brillant de son esprit et de son originalité, s'il ne s'affichoit pas pour les secouer tous. Il a des inconséquences plaisantes, et il est au milieu de tout cela très-amusant à voir. Mais je n'aime point les gens qui ne font que m'amuser. Pour madame sa nièce, elle est tout-à-fait comique.

'Il paroît ici depuis quelques jours un livre qui a vivement échauffé les têtes, et qui cause des discussions fort intéressantes entre différentes personnes de ce pays, parce que l'on prétend que la constitution de leur gouvernement y est intéressée: Voltaire s'y trouve mêlé pour des propos assez vifs qu'il a tenus à ce sujet contre les prêtres. La grosse nièce trouve fort mauvais que tous les magistrats n'ayent pas pris fait et cause pour son oncle. Elle jette tour à tour ses grosses mains et ses petits bras par dessus sa tête, maudissant avec des cris inhumains les lois, les républiques et sur-tout ces polissons de républicains qui vont à pied, qui sont obligés de souffrir les criailleries de leurs prêtres, et qui se croient libres. Cela est tout-à-fait bon à entendre et à voir.' III. 196, 197.

Madame d'Epinay was certainly a woman of very considerable talent. Rousseau accuses her of writing bad plays and romances. This may be; but her epistolary style is excellent—her remarks on passing events lively, acute, and solid—and her delineation of character admirable. As a proof of this, we shall give her portrait of the Marquis de Croismare, one of the friends of Diderot and the Baron d'Holbach.

'Je lui crois bien soixante ans; il ne les paroît pourtant pas. Il est d'une taille médiocre, sa figure a dû être très-agréable; elle se distingue encore par un air de noblesse et d'aisance, qui répand de la grace sur toute sa personne. Sa physionomie a de la finesse. Ses gestes, ses attitudes ne sont jamais recherchés; mais ils sont si bien d'accord avec la tournure de son esprit, qu'ils semblent ajouter à son originalité. Il parle des choses les plus sérieuses et les plus importantes d'un ton si gai, qu'on est souvent tenté de ne rien croire de ce qu'il dit. On n'a presque jamais rien à citer de ce qu'on lui entend dire; mais lorsqu'il parle, on ne veut rien perdre de ce qu'il dit; et s'il se tait, on désire qu'il parle encore. Sa prodigieuse vivacité, et une singulière aptitude à toutes sortes de talens et de connoissances, l'ont porté à tout voir et à tout connoître; au moyen de quoi vous comprenez qu'il est fort instruit. Il a bien lu, bien vu, et n'a retenu que ce qui valoit la peine de l'être. Son esprit annonce d'abord plus d'agrément que de solidité, mais je crois que quiconque le jugeroit

frivole lui feroit tort. Je le soupçonne de renfermer dans son cabinet les épines des roses qu'il distribue dans la société; assez communément gai dans le monde, seul je le crois mélancolique. On dit qu'il a l'ame aussi tendre qu'honnête; qu'il sent vivement et qu'il se livre avec impétuosité à ce qui trouve le chemin de son cœur. Tout le monde ne lui plaît pas; il faut pour cela de l'originalité, ou des vertus distinguées, ou de certains vices qu'il appelle passions; néanmoins dans le courant de la vie, il s'accommode de tout. Beaucoup de curiosité et de la facilité dans le caractère (ce qui va jusqu'à la foiblesse) l'entraînent souvent à négliger ses meilleurs amis et à les perdre de vue, pour se livrer à des goûts factices et passagers: il en rit avec eux; mais on voit si clairement qu'il en rougit avec lui-même, qu'on ne peut lui savoir mauvais gré de ses disparates.' II. p. 321-326.

The portrait of Grimm, the French Boswell, Vol. III. p. 97, is equally good, if not superior; but we have already extracted enough, to show the nature of the work, and the talents of the author. It is a lively, entertaining book,—relating, in an agreeable manner, the opinions and habits of many remarkable men;—mingled with some very scandalous and improper passages, which degrade the whole work. But if all the decencies and delicacies of life were in one scale, and five francs in the other, what French bookseller would feel a single moment of doubt in making his election?

Art. III. *Proposals for an Economical and Secure Currency; with Observations on the Profits of the Bank of England, &c.* By David Ricardo, Esq. London, 1816.

An Essay on Money. By C. R. Prinsep, Esq. London, 1818.

As the important question regarding the resumption of cash payments by the Bank of England, will, in the ensuing Session, come under the discussion of Parliament, the present seems a particularly fit period for endeavouring to excite the public attention to a consideration of the state of the currency. The events which have occurred since the epoch of the Parliamentary discussions relative to the Bullion Report, and more especially the restoration of the *par* of exchange and the fall in the price of bullion in 1814 and 1815, have thrown new light on some points which were then involved in considerable obscurity. We have now witnessed the effects produced, as well by a sudden diminution as by a rapid increase in the amount of the circulating medium. And it will be our own fault if we do not avail ourselves of this experience, not only to establish and elucidate the true theory of metallic and paper mo-

ney, but also to regulate and digest those practical measures which are now become necessary.

In addition to this, the extraordinary progress which has of late been made in the elucidation of the fundamental principles of political economy, and in separating and disentangling them from the errors with which they had been incumbered, has in nothing been more conspicuous than in what relates to money. The principle on which the value of bank paper is sustained on a par with the value of gold or silver, and by which its value in exchange may be raised to any conceivable extent, has been fully and satisfactorily developed: And by a happy and ingenious application of this principle, Mr Ricardo has shown that, in order to avoid all fluctuations in the value of paper money, except such as are incident to the metal itself which is assumed as the standard of value, and to preserve it constantly on a par with that metal, it is not necessary it should be rendered exchangeable for *coined money.* It shall be our object to endeavour to explain these principles, and to show how, without the circulation of a single gold coin, we may have all the security against depreciation and sudden and injurious fluctuations in the value of the currency, that we should possess if it consisted wholly of that metal.

There does not now seem to be much room for difference of opinion respecting the circumstances which regulate the value of metallic money, and its distribution throughout the various countries of the Globe. Bullion is a commodity, on the production of which, competition operates without any restraint: It is not subjected to any species of monopoly,—and its value in exchange must, therefore, be entirely regulated by the cost of its production, that is, by the quantity of labour necessary to bring any given quantity of it to market.

If, in every stage of society, it required precisely the same quantity of labour to produce a given quantity of bullion, its value would be invariable; and it would constitute a standard by which the variations in the exchangeable value of all other commodities could be ascertained. But this is not the case either with bullion or any other commodity. And its value, in the same way as the value of raw produce, manufactured goods, &c., fluctuates not only according to the greater or less productiveness of the mines from which it is extracted, but also according to the comparative skill of the miners, and the successive improvements of machinery.

The circumstance of the precious metals being used not only as an ordinary commodity in the manufacture of utensils, &c. but also as a circulating medium to expedite the exchange of

other commodities, cannot affect their exchangeable value. The capital devoted to the producing of gold and silver, must yield the common and ordinary rate of profit; for, if it yielded more than this rate, there would be an influx of capital to the mining business; and, if it yielded less, it would be withdrawn, and invested in some more lucrative employment. And hence, if the demand for gold and silver, from the commercial world gradually adopting any other commodity as an instrument of exchange, were diminished, the value of the precious metals would not, on that account, be reduced. A smaller supply would indeed be annually brought to market, and a portion of the capital formerly engaged in the mining, or refining and preparing the metals, would be disengaged; but, as the whole stock thus employed yielded only the average rate of profit, the portion which is not withdrawn must continue to do so,—or, what is the same thing, gold and silver must still continue to sell for the same price. It is indeed true, that where mines are of different degrees of productiveness, any great falling off in the demand for bullion might, by rendering it unnecessary to work the inferior mines, enable the proprietors of the richer mines to continue their work, and to obtain the ordinary rate of profit on their capitals, by selling their bullion at a reduced price. In this case the value of bullion would be really diminished; but it would be diminished, not because there was a falling off in the demand, but because there was a greater facility of production. On the other hand, an increased demand for bullion, whether it arose from the general suppression of paper money, or of a greater consumption of gold and silver in the arts, or from any other cause, would not—unless it was necessary, in order to procure the increased supply, to have recourse to mines of an inferior degree of productiveness—be accompanied by any rise of price. If the mines from which the additional supplies were to be drawn were less productive than those already wrought, more labour would be necessary to procure the same quantity of bullion, and of course its price would rise. But if no such increase of labour was required, its price would remain stationary, though a thousand times the quantity formerly required should be demanded.

After gold and silver have been brought into the market, whether they shall be converted into coin or into manufactured commodities, depends entirely on the fact, whether they will yield greater profits in the one way or the other. No person would take bullion to the mint, if he could realize a greater profit by disposing of it to a jeweller; and no jeweller would work

up bullion into plate, or expend it in gilding, &c., if he could turn it to greater account by converting it into coin. The value of bullion and coin must, therefore, in a country where the expenses of mintage are borne by the State, nearly correspond. When there is any unusual demand for bullion, coin will be melted down; and when, on the contrary, there is any unusual demand for coin, plate will be sent to the mint, and the equilibrium of value maintained.

While, therefore, competition is allowed to operate without restraint on the production of gold and silver, they will, like all other commodities, be valuable only in proportion to the quantity of labour necessarily expended in bringing them to market. And hence, while they constitute the currency of the commercial world, the price of commodities, or their value, compared with gold and silver, will vary, not only according to the variations in the real value of the commodities themselves, but also according to the variations in the real value of the gold and silver with which they are compared.

But if competition was not allowed to operate on the production of the precious metals,—if they could be monopolized, and limited in their quantity,—their exchangeable value would no longer be regulated by the same principles. If, after the limitation, they still continued to be used as a circulating medium; and if, in consequence of the improvement of society, manufactured commodities and valuable products of all kinds should be very much multiplied, the exchanges which this *limited* amount of currency would have to perform, would be proportionably increased; and, of course, a proportionably smaller sum would be devoted to each particular transaction; or, which is the same thing, money prices would be diminished. Whenever the supply of money becomes fixed, the amount of it to be given in exchange for any one commodity, varies inversely as the *demand*, and is altogether unaffected by any other circumstance. If double the usual supply of commodities were brought to market, in a country with a limited currency, their money price would be reduced one half; and if only half the usual supply were brought to market, it would be increased one half;—and this, whether the cost of their production was increased or diminished. In such a state of society, no person would exchange a bushel of wheat, or a yard of cloth, for money, on the ground that this money was a commodity possessed of equal *intrinsic* value, or because an equal quantity of labour had been expended on its production; but solely because it was necessary or expedient to have their value, relatively to other commodities,

ascertained, by a comparison with that particular commodity which had been set apart as a general standard or measure of exchangeable value. Guineas, sovereigns, livres, &c. would then really constitute mere tickets or counters, to be used in computing the relative value of property, and in transferring it from one person to another. And as a small quantity of such tickets or counters would serve for this purpose quite as well as a large quantity, it is unquestionably true, that a debased currency might, by limiting its quantity, be made to circulate at the value it would bear if it were possessed of the legal weight and fineness; and by still further limiting its quantity, it might be made to pass at any higher value.

Whatever, therefore, may be the nature of the circulating medium of any country, whether it consist of gold, silver, copper, leather, salt, cowries, or paper, and however destitute it may be of all intrinsic value, it is yet possible, by sufficiently limiting its quantity, to raise its value in exchange to any conceivable extent.

Thus, supposing the circulating medium of this country to be limited to 50 or 60 millions of one pound notes, and that it was altogether impossible to increase or diminish that sum, either by issuing additional notes or coins, or by withdrawing the notes already in circulation, then it is obvious, that the exchangeable value of such notes would thereafter increase or diminish according as the mass of circulating products, and consequently the business to be performed by this paper money, increased or diminished. If we suppose that ten times the amount of products that were in circulation when this limitation of the currency took place, are in circulation ten or twenty years afterwards, prices will have fallen to *one-tenth* of their former amount; or, what is the same thing, the exchangeable value of the paper money will have increased in a tenfold proportion;— and on the other hand, if the products in circulation had diminished in the same proportion, the value of the paper money would have been equally reduced.

It is not, therefore, necessary that paper money should, in order to sustain its value on a par with gold, be convertible at the pleasure of the holder into that metal. It is only necessary that its quantity should be regulated according to the value of the metal which is declared to be the standard. If the standard were gold of a given weight and fineness, paper might be increased with every fall in the value of gold, or, which is the same thing in its effects, with every rise in the price of goods.

We have stated these principles somewhat at large, for they are of the utmost importance to a right understanding of the

real nature of money. Almost every writer, of authority, on Political Economy, has maintained, that the value of money depended entirely on the relation between the supply and the demand. But this is true only of a gold currency limited in its quantity, or of a paper currency also limited in its quantity, and *not* convertible into gold and silver. Such a currency not being possessed of any intrinsic value, its worth in exchange is necessarily regulated by the proportion which its total amount bears to the business which it has to perform, or to the demand; and the general opinion, that the prices of commodities depend on the proportion between them and money, and that any considerable increase or diminution of either, would have the effect of proportionably diminishing or increasing money prices, would, in such circumstances, be quite correct. It is altogether different, however, with a currency consisting of gold and silver, or of any other commodity whose cost of production is considerable, and the quantity of which may be increased to an unlimited extent by the operation of unrestricted competition.

It is not the ratio between the supply and demand for such money, which can operate any permanent effect on its value; but it is the comparative cost of its production, or, as Mr Ricardo has demonstrated, the comparative *quantities of labour* necessary to bring it to market. If a guinea ordinarily exchanges for a couple of bushels of wheat, or a hat, it is because the same labour has been expended on its production as on that of either of these commodities; while, if, with a limited paper currency, such commodities exchanged for a piece of engraved paper denominated a *guinea note*, it would only be because such was the proportion which, as a part of the general mass of circulating commodities, they bore to the supply of paper in the market. This proportion would be affected by an increase or a diminution of the supply either of paper or commodities. But the relation which commodities bear to a gold currency, can only be permanently affected by a change in the quantity of labour necessary to manufacture the commodities, or to produce the gold for which they are exchanged.

We must here caution our readers against supposing that we mean to insinuate that the value of gold and silver cannot be affected by the comparative state of the demand for, and the supply of, these metals. Certainly, however, they are infinitely less affected by such fluctuations than almost any other commodity with which we are acquainted. Their great durability, and the care universally taken to preserve them, preclude the possibility of any sudden diminution of their quantity, while the immense surface over which they are spread, and the various purposes to

which they are applied, prevent any unusual productiveness of the mines from speedily lowering their value. An extraordinary event, such as the discovery of America, or the establishment of an intercourse between a country where bullion bore a very high value, and one where its value, from the greater facility of its production, is comparatively low, might, by suddenly increasing the supply, sink its value considerably: But such events must necessarily be of very rare occurrence. And although the value of gold and silver must, because of the different qualities of the mines, to which, in the progress of society, recourse must be had,—and, because of the successive improvements in the art of mining and working metals, be very different at distant periods,—it is abundantly uniform to secure us against every risk of sudden and injurious fluctuations.

Such appear to us to be the distinguishing characteristics of a currency formed of a really valuable commodity, the supply of which is not subjected to any species of monopoly; and of one formed of a commodity possessed of no intrinsic worth, but limited in its amount. The value of the former depends, like that of every other commodity, on the cost of its production; while the value of the latter is totally unaffected by that circumstance, and depends entirely on the extent to which it has been issued, compared with the demand.

It is by this principle of limitation, and not from any idea that the notes would at some future period be paid in cash, that the value of the paper currency of this country has been sustained since the passing of the Restriction act in 1797. When the holder of a bill presents it for discount at the Bank of England, it is quite immaterial to him; and he never once considers, whether the notes which the Bank gives him in exchange for his bill, are payable in specie or not. This, to be sure, is, on other accounts, of the greatest importance; but the presenter of a bill for discount only wants to convert it into paper of equal value; which he may, with greater facility, exchange for any species of commodities, or which will be taken in payment of the debts he has contracted. He is altogether indifferent as to the fact, whether the Bank has issued such a quantity of paper as to depreciate its value comparatively to gold, or whether it has so limited its issues as to sustain its notes on a par with that metal. These are circumstances which affect every class of society whose incomes cannot easily be varied with the variations in the value of money: But, inasmuch as the money price of goods rise and fall with every increase or diminution of the supply of paper, merchants are but comparatively little affected by its fluctuations. The merchant who presents a bill for 500*l.* or 1000*l.* to a bank,

has acquired this bill, if it has arisen out of a real commercial transaction, in lieu of a certain quantity of goods, which, at the then value of money, were worth 500*l.* or 1000*l.*; and it is this 500*l.* or 1000*l.*, which, by presenting his bill to the Bank, he wishes to obtain. If the value of money had been different, the sum for which the bill would have been drawn would also have been different. It is to this market value of money at the time, that, in all commercial affairs, attention is exclusively paid. When in 1809, 10, 11, 12, 13 and 14, the Bank issued such a quantity of paper as to depress its value below the value of bullion, the circumstance of an act of Parliament having declared, that bank notes would be paid in cash at the restoration of peace, had no effect in raising their value. Merchants only draw money from a bank, because they have immediate occasion for its services. After it has been drawn, they throw it into the market for whatever it will bring; and, as they purchased it on the same terms, (for the value of money can be but slightly affected in the interval between the time that a bill is discounted and when it becomes due), they generally get as much for it, and perhaps more, than it cost. We shall afterwards endeavour to explain what it is which constitutes the natural limit to the applications of merchants for discounts. But what we have already said must, we think, render it evident, that it has nothing to do with the convertibility of notes into specie.

In like manner, those who have recourse to a bank to obtain discounts of accommodation bills, consider only the present value of money. No person discounts accommodation paper, except with a view of immediately employing the money so obtained, either in the purchasing of commodities or labour, or in the payment of debts: And, whether one pound notes are worth 10s. or 20s., is of no consequence; inasmuch as the amount of the bill presented for discount is regulated accordingly.

The circumstance of the circulation of country bank notes ceasing as soon as any general apprehension is entertained of the solvency of those by whom they are issued, is nowise inconsistent with this principle. Country bank notes are rendered exchangeable, at the pleasure of the holder, for Bank of England notes; but since the epoch of the Restriction, the latter not being exchangeable for any other commodity, they constitute the real standard of exchangeable value.—When a country bank loses credit, the circulation of its notes is stopped, because a suspicion is entertained that it will be impossible to exchange them for paper of the Bank of England, or, in other words, for that species of paper which constitutes the real medium of ex-

change. But it is impossible to imagine that the paper constituting this medium should itself be affected by a want of credit. Every individual knows that it never had any intrinsic worth; and, as we have already shown, its value was always regulated, and must, as long as it is not rendered exchangeable for a *given quantity* of some other commodity, continue to be regulated, by the amount of it in circulation compared with the demand.

It appears, therefore, that if there was perfect security that the power of issuing paper money would not be abused,—that is, if there was perfect security for its being issued in such quantities as to preserve its value relatively to the mass of circulating commodities nearly uniform,—the precious metals might be entirely discarded from circulation.

Unfortunately, however, no such security can be given.—If this power of supplying the State with money is vested in a private banking company such as the Bank of England; then, to suppose that they should constantly endeavour to sustain the value of their notes, would be to suppose that they should be extremely attentive to the public interests, and extremely inattentive to their own. The rendering the Restriction act perpetual would not, in our opinion, at all affect the value of our paper currency; provided its quantity was not at the same time increased. But that, in such circumstances, it would be increased, is morally certain.—Such a proceeding would enable the Bank of England to exchange engraved paper, not worth perhaps 5s. a quire, for as many, or the value of as many hundreds of thousands of pounds. And is it to be supposed that the Directors and Proprietors of the Bank would not avail themselves of such an opportunity to amass wealth and riches? Is it to be supposed, that if the State enables a private gentleman to exchange a bit of paper for an estate, he will be deterred from doing so by any metaphysical considerations about its effect on the currency of the kingdom! In Loo Choo we might perhaps meet with such a primitive individual; but if we expect to find him in Europe, we shall assuredly be disappointed. In this quarter of the globe we are much too eager in the pursuit of fortune, to be at all affected by any such Utopian scruples.

On this point we are not left to be guided by general principles. We have it in our power to appeal to a widely extended and uniform course of experience,—to the history of Great Britain and every other state in Europe, and to that of the United States,—to show that no man, or set of men, have ever been invested with the power of making unrestricted issues of paper money without abusing it—or, which is the same thing, without issuing it in inordinate quantities. It is essential, there-

fore, that the issuers of paper money should be placed under some species of check or control; and, for the reasons already stated, none seems so proper for that purpose as to subject the issuers of paper money to the obligation of exchanging their notes at the pleasure of the holder for a given and unvarying quantity either of gold or silver coin or bullion.

But it has been contended, that there is a radical difference between paper money issued by a government in payment of the debts it has contracted, and that which is issued by a private banking company in discount of good bills. In regard to the former, it is admitted on all hands, that it may be issued in excess; but in regard to the latter, it has been strenuously urged, that 'notes issued only in proportion to the demand, in exchange for good and convertible securities payable at specific periods, cannot tend to any excess in the circulation, or to any depreciation.' As every one of the arguments, advanced by those who maintain that our paper currency has not been depreciated since 1797, involve this principle, it will be necessary to examine it a little minutely.

In the *first* place, it may be observed, that the demand for discounts depends *not* on the nature of the security required for the repayment of the sums advanced by a bank, but *on the rate of interest for which these sums can be obtained, compared with the ordinary rate of profit which may be made by their employment.* If a person can procure 1000*l*., 10,000*l*. or any greater sum from a banker at 4, 5, or 6 per cent.; and if he can realize 7, 8, or 10 per cent. by its employment as capital, it is evidently for his interest, and for the interest of every other person similarly situated, to borrow to an unlimited extent. But a banking company which was relieved from all obligation to pay its notes in cash, and which, of course, was not obliged to keep any portion of *unproductive stock* or bullion in its coffers, would be able to issue its notes at a very low rate of interest. The demand for its paper would, therefore, be proportionably great.

'The interest of money,' says Mr Ricardo, 'is not regulated by the rate at which the Bank will lend, whether it be 5, 4, or 3 per cent., but by the rate of profits which can be made by the employment of capital, and which is totally independent of the quantity, or of the value of money. Whether the bank lent one million, ten millions, or a hundred millions, they would not permanently alter the market rate of interest; they would alter only the value of the money which they thus issued. In one case, ten or twenty times more money might be required to carry on the same business, than what might be required in the other. The applications to the bank for money, then, depend on the comparison between the rate of pro-

fits that may be made by the employment of it, and the rate at which they are willing to lend it. If they charge less than the market rate of interest, there is no amount of money which they might not lend; —if they charge more than that rate, none but spendthrifts and prodigals would be found to borrow of them. We accordingly find, that when the market rate of interest exceeds the rate of 5 per cent., at which the Bank uniformly lends, the discount office is besieged with applicants for money; and on the contrary, when the market rate is even temporarily under 5 per cent., the clerks of that office have no employment.' *

From 1809 to 1815 inclusive, the period in which the value of our paper currency relatively to gold was lowest, the market rate of interest considerably exceeded the rate (5 per cent.) at which the Bank of England, and most of the country banks, discounted. Although, therefore, the amount of the paper currency of the country had in that interval been very much increased, the applicants for fresh discounts continued as numerous as ever: And there appears no reason to doubt, that, had the Directors not been apprehensive that ultimately they might be called upon to pay their notes in specie, the quantity of them in circulation in 1813 and 1814 would have been very much increased—at least, such would most unquestionably have been the fact, had the Directors acted to the full extent of their avowed opinion, that it was impossible to issue too much paper, or to reduce its value, by engrossing into the circulation such quantities as could be issued in discount of good bills. The wants of commerce are altogether insatiable. Paper money, provided the rate of interest at which bills are discounted is less than the market rate, can never be too abundant. As long as this is the case, million after million may be thrown into the market. The value of the currency may be so reduced, as to require a one pound note to purchase a quartern loaf; and yet, as its value is diminished in proportion to the increase of its quantity, the demand for additional supplies would continue as great as ever.

If the Bank of England were alone in the possession of an alchemical process, whereby guineas could be manufactured with the same facility as notes, it would not be disputed, that it would then be in the power of the Bank to depreciate the former value of gold, by issues of what had been produced at so very little cost. Now, in what respect does this fictitious case differ from the actual situation of the Bank? While the restriction continues, the Bank is enabled to transmute, or, which is the same in its effects, to exchange pieces of paper for landed property, manufactured goods, government securities, &c. But

* Principles of Political Economy, &c. p. 511.

the value of this paper, like the value of the gold in the hypothetical case, depends entirely on the proportion which the supply bears to the demand; and, as this demand is not affected by an increase of quantity,—for that increase, by diminishing its value, renders the larger quantity of as little efficacy as the lesser quantity was before,—it is abundantly clear, that if the Bank lent at a sufficiently low rate of interest, there could be no possible limit to its issues.

In the *second* place, if it were true, which unquestionably it is not, that the notes of a private banking company, issued in discount of good mercantile paper, could not be depreciated from excess, that will not apply to the case of the Bank of England; for the greater part of its paper is issued in payment of the interest of the national debt, amounting to about thirty millions per annum, exclusive of the sinking fund. And really, when such is the fact, it is a little too much to contend, as the apologists of the Restriction Act have almost always done, that Bank of England paper could not be depreciated, because it was only issued in discount of legitimate mercantile paper, payable 60 days after date. It is but justice to mention, that Mr Baring, one of our most extensive merchants, and one of the Bank Directors, publicly ridiculed this idea; and stated, in his place in the House of Commons, 'that the great mass of the Bank paper was issued *compulsorily* in payment of the public creditor, and in the other great transactions of Government.' *

It has been contended, and it is the only other argument that deserves the least notice, that the restoration of the *par* of exchange in 1815 and 1816, when the restriction was in full operation, affords a practical and convincing proof that the depression of the exchanges during the war, and the high price of bullion, had not been caused by any over-issue of paper. But this fact leads to a precisely opposite conclusion. It is of no use to tell us, that the exchanges came to *par* while the restriction on cash payments was unrepealed. No person ever contended, that the simple fact of such a law being in existence, could have any effect in depreciating the currency. The restriction was condemned, and justly condemned, because it *enabled* the Bank of England to deluge the country with paper. If the Bank had never abused that power,—if the proprietors had sacrificed their own direct, palpable, and individual interests to those of the public, and had constantly kept their paper on a level with bullion, the Restriction Act, though unwise, would, as to conse-

* *Vide* Morning Chronicle, 2d May 1816.

quences, have been the same as if it had never existed. The question is not, therefore, whether the exchange came to *par* while the restriction continued, but *whether it came to* PAR *while as many notes circulated as in the period of its greatest depression?* If this could be shown, and if it could also be shown that the effective demand for paper had not at the same time increased in a corresponding ratio, the argument would be conclusive; and we should be compelled to admit, that a great comparative increase of paper currency has no tendency to diminish its value, or to render the exchange unfavourable.

But it would be worse then idle to set about proving by argument, a fact so notorious, as the prodigious diminution of bank paper in 1814 and 1815. In that period, above 240 country banks became altogether bankrupt, or at least stopped payment. The Board of Agriculture estimated, that in the county of Lincoln alone, above *three millions* of bank paper had been withdrawn from circulation; and the total diminution of the currency during 1814, 1815, and 1816, has never been estimated at less than *twenty millions*, though it probably amounted to much more.—Mr Horner, the accuracy and extent of whose information cannot be called in question, made this statement on the subject, in his place in Parliament.

'From inquiries he had made, and from the accounts on the table, he was convinced that a greater and more sudden reduction of the circulating medium, had never taken place in any country than had taken place since the peace in this country, with the exception of those reductions which had happened in France after the Mississippi scheme, and after the destruction of the *assignats*. The reduction of the currency had *originated* in the previous fall of the prices of agricultural produce. The fall had produced a destruction of country bank paper, to an extent which would not have been thought possible, without more ruin than had actually ensued. The Bank of England had also reduced its issues. As appeared by the accounts recently presented, the average amount of its currency was not, during the last year, more than between twenty-five and twenty-six millions; while, two years ago, it had been nearer twenty-nine millions, and at one time even amounted to thirty-one millions. But without looking to the diminution of Bank of England paper, the reduction of the country paper was enough to account for the fall which had taken place.'*

Here, then, is the true cause of the nominal exchange coming to *par* in 1815 and 1816. Our paper currency was reduced to such an extent, as to become nearly of the same value with

* *Vide* Morning Chronicle, 2d May 1816.

the currency of other nations; and this reduction was necessarily attended by a fall in the price of bullion, and a restoration of the *par* of exchange. This fact, therefore, affords the strongest possible confirmation of the correctness of the principles we have been endeavouring to elucidate. For it conclusively shows, that the value of our paper currency which had been depreciated, relatively to that of the contiguous States, was raised to the same level as soon as its quantity had been sufficiently diminished.

On the whole, therefore, it appears to us, that the restoration of cash or *bullion* payments, affords the only effectual security against depreciation, and against sudden and pernicious fluctuations in the value of our paper money; and the way in which it would produce these effects is sufficiently obvious: For the run that would then be made on the Bank for specie for exportation, whenever the currency, as compared with that of other countries, had become redundant, would very quickly compel the Directors to limit their issues, and consequently to raise the value of their paper. An extremely small profit is sufficient to set the bullion merchants, and a still smaller one to set the melters of the coin, to work: And therefore the value of a paper currency, convertible at pleasure into a *given quantity* of the precious metals, can never differ considerably from their value in the country where it is issued; and all the difference that can take place in the value of gold and silver currencies, among nations trading together, will generally be limited to the expence of the transfer of bullion from the one to the other. If it exceeds this sum, an inducement to importation is held out;—if it is less, it will be profitable to export; and, in either case, the equilibrium of value will be very soon attained.

A currency would be in its most perfect state, if it consisted wholly of paper money—but of paper money of an equal value with the gold or silver which it professed to represent. The use of paper instead of gold, substitutes the cheapest in room of the most expensive material, and enables the country, without loss to any individual, to exchange all the gold which it before used for this purpose, for raw materials or manufactured goods, by the use of which both its wealth and its enjoyments are increased. But before proceeding to point out the means by which Mr Ricardo has shown, in the admirable pamphlet before us, that paper may be sustained on a par with gold, and made convertible at pleasure into that metal, without requiring the circulation or coinage of any quantity of gold, we shall offer a few remarks on the expense of a currency consisting of the precious metals.

Mr Whitmore, the Governor of the Bank of England, stated

to the Bullion Committee, that in his opinion, the quantity of gold coin in circulation for the three years previous to the Restriction, amounted to about *twenty millions*; and, although the data from which all such estimates are framed must necessarily be very imperfect, yet we think the history of the coinage affords good grounds for supposing that Mr Whitmore has, in this case, come very near the truth. Now, as there is no reason to imagine that the real value of gold, or the cost of its production, has increased since 1797, it may be concluded, that if the Bank of England were now obliged to exchange its notes for guineas or sovereigns, the same quantity of them would in a short time be again in circulation. On this supposition, therefore, and we are sure it is very far from being exaggerated, *twenty millions*, or the value of *twenty millions*, would have to be withdrawn from the productive capital of the country, and employed in expediting these exchanges, for which, if its value could be otherwise sustained, *ten* or *twenty thousand pounds* worth of engraved paper would suffice. Neither would this immense sum be merely abstracted from the great work of production—it would be perpetually diminishing. The loss of the coins from ordinary tear and wear, rubbing, filing, shipwrecks, &c., occasions a permanent annual expenditure, to which must be added the expense of mintage, and the loss which arises to the State from the melting of the coins, consequent on any sudden rise of the market price of bullion, or of any considerable fall in the exchange. The interest of the capital of twenty millions, including these different additional charges, cannot be estimated at less than 10 per cent., or *two millions* sterling per annum. Or, in other words, the rendering bank notes exchangeable at the pleasure of the holder for coined gold or silver, would cost Great Britain, exclusive of the loss arising from the locking up of capital in the coffers of the Bank, not less than two millions annually; and, including Ireland, the cost would not be less than two millions and a half, or three millions.

It is to no purpose to contend, that this loss would fall on the Bank, and that its only effect would be, to lessen the profits of that establishment. The wealth of the State is made up of the wealth of individuals; and if the Bank Proprietors were not obliged to employ twenty or thirty millions in the purchase of gold, they would employ it in some other way,—in the cotton or woollen manufacture, in the construction of docks, warehouses, &c., or in such a manner as would be productive of wealth to themselves and also to the community. We certainly think that the public ought directly to participate in the profits to be

derived from supplying the nation with money. But as it cannot be denied that the wealth of the Bank Proprietors is essentially national wealth, and as whatever has a tendency to increase their fortunes, without diminishing those of others, must be so far advantageous, we do not think that the mere circumstance of the expense of providing a gold currency falling on them only, ought to be held as any valid reason for declining to adopt every expedient for diminishing that expense. Besides, it is not true that the expense of a gold currency would, in these circumstances, fall entirely on the proprietors. As the law now stands, the whole expense of coinage, amounting annually to a very considerable sum, is paid by the State; and when, it becomes necessary to call in the coin in circulation, the difference between the value of the old money brought to the mint to be recoined, and the coins of full weight which are given in exchange for them, falls altogether on the public.

This is by no means a trifling sum. The total expense of the great silver recoinage in the reign of William III., including the sum paid by the public to make up the deficiency in the weight of the old money, amounted, according to the estimate of the late Lord Liverpool, to 2,703,164*l.*; * and the expense of the gold recoinage in 1771, 1773, 1776, and 1778, including, as above, the sum paid to compensate deficiencies of weight, to 517,320*l.* † The expense of the late silver recoinage amounted, notwithstanding the reduction in the weight of the coins, or the exacting of a seignorage of about 6 per cent., to 300,992*l.*; and this, as well as the other sums, are exclusive of the annual Parliamentary grant to the Master of the Mint, for conducting the ordinary business of that establishment. This grant has of late years rather exceeded 15,000*l.* ‡

If, therefore, the Restriction act should now be repealed, and the Bank of England obliged to pay its notes in gold coin at the pleasure of the holders, it would be necessary to purchase from twenty to thirty millions worth of gold bullion. And the loss attending the abstraction of so great a sum from the productive industry of the country, added to the expense of coinage, and the annual charge that must afterwards be occasioned by the tear and wear of the coins, ought certainly to induce us to adopt any other system, which, at the same time that it would afford our ancient security against fluctuations in the value of paper

* Liverpool on Coin, p. 75.

† Ruding's Annals of the Coinage, Vol. II. p. 495.

‡ Lord Liverpool states the total expenses of the Mint, from 1777 to 1803 inclusive, at 488,441*l.*—See his Treatise on Coin, p. 156.

money, by constantly keeping it on a par with gold, would save almost all this expense.

Mr Ricardo's contrivance for accomplishing this desirable object, is equally simple and effectual. It consists in making bank notes exchangeable for bars of assayed bullion of the standard purity, at the mint price of 3*l.* 17s. 10½d. an ounce: or, which is the same thing, Mr Ricardo proposes, that for every sum of 3*l.* 17s. 10½d. of paper presented to the Bank for payment, it should be obliged to give, not *three guineas* and 14s. 10½d., but *an ounce of standard gold bullion.*

'To secure,' says Mr Ricardo, 'the public against any other variations in the value of the currency than those to which the standard itself is subject, and, at the same time, to carry on the circulation with a medium the least expensive, is to attain the most perfect state to which a currency can be brought; and we should possess all those advantages by subjecting the Bank to the delivery of uncoined gold or silver at the mint standard and price, in exchange for their notes, instead of the delivery of guineas; by which means paper would never fall below the value of bullion, without being followed by a restriction of its quantity. To prevent the rise of paper *above* the value of bullion, the Bank should be also obliged to give their paper in exchange for standard gold at the price of 3*l.* 17s.* an ounce. Not to give too much trouble to the Bank, the quantity of gold to be demanded in exchange for paper at the mint price of 3*l.* 17s. 10½d., or the quantity to be sold at the Bank at 3*l.* 17s., should never be less than twenty ounces. In other words, the Bank should be obliged to purchase any quantity of gold that was offered them, not less than twenty ounces, at 3*l.* 17s. per ounce, and to sell any quantity that might be demanded at 3*l.* 17s. 10½d. While they have the power of regulating the quantity of their paper, there is no possible inconvenience that could result to them from such a regulation.

'The most perfect liberty should be given, at the same time, to export or import any description of bullion. These transactions in bullion would be very few in number, if the Bank regulated their loans and issues of paper by the criterion which I have so often mentioned, namely, the price of standard bullion, without attending to the absolute quantity of paper in circulation.

'The object which I have in view would be in a great measure attained, if the Bank were obliged to deliver uncoined bullion in exchange for their notes at the mint price and standard; though they were not under the necessity of purchasing any quantity of bullion offered them at the prices to be fixed; for that regulation is merely suggested, to prevent the value of money from varying from the value of bullion more than the trifling difference between the prices at which

* 'The price of 3*l.* 17s. here mentioned, is, of course, an arbitrary price. It might be fixed either a little higher or a little lower. In naming 3*l.* 17s., I wish only to elucidate the principle.'

the Bank would buy and sell, and which would be an approximation to that uniformity in its value which is acknowledged to be so desirable.' *

That this plan would realize every one of these advantages, and that it would place our currency on a better footing than at any former period, cannot, we think, be disputed. In a sound state of the currency, or when bank notes are exchangeable for gold, should the Bank issue too much paper, so as to depress its value below the value of the standard, then, as the holders of paper money would make a profit by exchanging their paper for gold, there would be a run upon the Bank; and it would be compelled to restrict its issues, in order to raise the value of its paper. This was the way in which the value of paper was sustained previously to the Restriction; and the same check would operate in precisely the same manner, if the Bank were now obliged to give bullion, instead of coined gold, for its notes. As a device for preserving paper on a par with gold, Mr Ricardo's plan is, in some material respects, infinitely preferable to the old method of exchanging notes for coins. When a currency consists partly of paper and partly of the precious metals, any over-issue of the former depresses, not merely the value of the paper money, but of the coins which circulate along with it. These coins are, therefore, immediately converted into bullion; for it is admitted, on all hands, that laws prohibiting the melting of coined money, become in such circumstances quite inoperative. Bullion, however, cannot be accumulated in any one country without losing its relative value; and hence the ultimate effect of an over-issue of bank paper, in a country whose currency partly consists of gold coins, is an exportation either of coin, or of bullion formed out of the coin. But, on Mr Ricardo's system, as there would be no coin in circulation, there would be no employment for the melters, and no loss thereby occasioned to the State. As soon as the bullion merchants found that a profit might be made by sending notes to the Bank to be exchanged for bullion, they would do so; and, as the exportation of bullion would be perfectly free, there would be no occasion to hire a starving wretch to swear, that a bar formed from melted guineas had been made up of foreign coin. The value of our currency would not, as formerly, be sustained by the underhand agency of the most worthless of characters,—the melters and clandestine exporters of coin.

As the maintaining of paper on a par with gold at the least possible expense to the country, and with the least inconvenience to all parties concerned, is the great object to be effect-

* Economical and Secure Currency, p. 25.

ed by Mr Ricardo's scheme, there does not seem to be any very cogent reason why the Bank should be obliged to give so small a quantity as twenty ounces of bullion, in exchange for a proportionable quantity of their paper. It would save a great deal of trouble, or at least obviate a great deal of cavilling, were the *minimum* quantity of bullion which could be demanded from the Bank fixed at 500 or 1000 ounces; and as, according to the plan in question, the value of paper would be prevented from falling below, or rising above the value of gold, by the operations of respectable bullion merchants, a class of men remarkable for their shrewdness, and generally possessed of large capitals, this regulation, while it would be productive of benefit to the Bank, would not, in a public point of view, be attended with any ill effects.

Though it is certainly against the interest of the Directors of the Bank greatly to reduce their paper, still it cannot be denied, even by those who contend that they have no power indefinitely to add to their issues, that they have the power to *refuse to discount*, and that consequently they have it in their power to reduce the currency to the narrowest limits. Such a power ought not to be entrusted to the State itself, and still less to the managers of any private banking company; for there can be no security for uniformity in the value of the currency, when its augmentation or diminution depends solely on the will of the issuers. But, under the operation of this system, the Bank would not only be prevented from reducing the value of its notes below the value of bullion, but it would also be prevented from raising them above its value.—Should the Directors capriciously limit the quantity of their paper, they would raise its value; and bullion would forthwith be carried to the Bank and exchanged for notes at the rate of 3*l*. 17s. per ounce. The minimum quantity to be offered to the Bank in exchange for its paper, ought also, in order to save trouble, to be limited to 500 or 1000 ounces. And as it is the interest of the Bank to furnish the circulation with such a quantity of paper as would keep its value from rising above the value of bullion, it could not complain of being subjected to a regulation which would never operate except when its issues had been improperly reduced.

With a paper currency convertible into bullion, the Bank would in a great measure be secured against the ill effects of any sudden panic.—Panics generally operate with the greatest effect on the lower classes, or on the holders of small notes; and it is they that, on such occasions, press to the Bank to demand payment. Extensive merchants and money dealers are aware that no Bank, however wealthy, could retire all its notes

in the short space of eight or ten days; and they are also aware that the maintenance of their own credit is intimately connected with the prosperity of the Bank. But such considerations do not influence the holders of small notes; and accordingly we find, that the drain upon the Bank in 1783, and the crisis of 1797, were chiefly brought about by the prevalence of a panic among the retail traders and small farmers. But by fixing the minimum quantity of bullion to be given by the Bank in exchange for its notes at 500 or 1000 ounces, it would not be in the power of the holders of small notes to make any sudden run. Before sending in notes to be exchanged for bullion, meetings would have to be held, and a number of different individuals would have to join together and make a demand in common. A considerable time being thus necessarily required in the adjustment of the preliminary steps of the business, the Bank would be enabled to make the necessary preparations to meet the run; and, what is of still more consequence, since the panic could not, under such a system, operate immediately, it is probable that, by the time preparations had been made for demanding payment from the Bank, it might have altogether subsided. This certainly forms a very strong recommendation of the plan in question; and it is one which was not in the contemplation of Mr Ricardo.

By lessening the danger to be apprehended from sudden runs, and by preventing all demand for bullion for the purposes of internal circulation except as small change, this plan would enable the Bank to carry on business with a comparatively small supply of bullion in its coffers. In ordinary cases, indeed, no bullion would ever be demanded, unless when the Directors had plainly overstepped the proper limit in discounting; and the country would not only be benefited by the profitable employment of the capital which would otherwise be invested in coin, but it would also be benefited by the profitable employment of the greater part of that capital which, previously to the Restriction, had been locked up in the coffers of the Bank.

Were the plan now proposed adopted, it would only be necessary to make Bank of England notes a legal tender. No alteration would be required in the law relative to country banks. These would then, as now, be required to pay their notes, when demanded, in Bank of England notes, or in the legal currency of the country.

It appears, therefore, that by this plan of making notes payable in bullion, we should have all the security against fluctuations in the value of the currency, that we could possess were the Restriction act repealed, and bank notes made payable in

coined money: while we should be able to realize these advantages, without incurring any part of the expense of a gold or silver coinage, except what might be required to effect small payments below one pound; thereby effecting a saving which, on account of Great Britain and Ireland, cannot be estimated at less than *three millions sterling annually*. And it further appears, that the security of the Bank against the pernicious effects of sudden panics among the holders of its notes would be greatly increased, and that the banking business could henceforth be carried on with a much less amount of unproductive capital.

It may perhaps be objected to this plan, that it would have a tendency to perpetuate the crime of forgery—a crime which has, of late years, increased to such an alarming extent. But it must be observed, that the present engraving of Bank of England notes is so very rudely executed, that there is scarcely a bungling mechanic who cannot imitate them with considerable exactness. That the Bank should, for so long a period, have persisted in issuing notes so very miserably executed, is certainly a good deal extraordinary; but now that the public attention has been awakened to the subject, and since it has been demonstrated, that the utmost severity of the criminal law is unable to deter from the commission of crime, where the temptation is so very great, it cannot be doubted that steps will speedily be taken to remove this stigma from our monetary system. That it is practicable to engrave notes in such a manner as to render their forgery a work of extreme difficulty, appears, from the concurring testimony of the ablest artists, to be established beyond all doubt. In America, forgeries used some time ago to be very frequent; but since the bankers have issued notes of a finer fabric, and the engraving of which, without being rendered too complex, is extremely neat and distinct, forgeries have been much less common.

The present prevalence of forgery does not, therefore, afford any ground for refusing to render bank notes payable in bullion. It will not, we presume, be contended, that paper should be entirely banished from circulation; although nothing short of this would be sufficient to secure us against all risk on the score of forgery. In every currency, consisting partly of the precious metals and partly of paper, there will be ample scope for the operations of forgers. Whether ten or twenty millions were added to, or abstrated from, our paper circulation, would not in this respect make any very material difference: Since it is certain, that more forgeries have been committed since the reduction of our paper in 1814 and 1815, than in any previous period of equal duration.

Whatever commodity may be adopted as a circulating medium,—whether our currency shall consist of gold, silver, or paper, or of part of each,—it must, in the nature of things, be impossible completely to guard against the attempts of those who may be inclined to issue spurious money. But it does not appear that there would be any greater difficulty, provided proper precautions were taken, in securing the public against loss from forgery, than from the issuing of base coins; and, considering the many superior and peculiar advantages which must result from the use of a properly regulated paper money, we shall extremely regret, if prejudice induce us to resort to a system of less utility.

'The introduction of the precious metals for the purposes of money, may,' as Mr Ricardo has justly observed, 'with truth be considered as one of the most important steps towards the improvement of commerce, and the arts of civilized life; but it is no less true, that, with the advancement of knowledge and science, we discover that it would be another decided improvement to banish them again from the employment which, during a less enlightened period, they had so advantageously performed.'

It now only remains to inquire, whether bank notes ought to be made exchangeable for *gold* or *silver* bullion; and as our previous remarks have already extended to so considerable a length, we shall endeavour to despatch this part of the subject in as few words as possible.

As the value of gold and silver, or, what is the same thing, the cost of their production, is perpetually varying, not only relatively to other commodities, but also relatively to each other, it is impossible arbitrarily to fix their comparative value. Gold may now, or at any given period, be supposed to be to silver as 15 to 1; but were guineas and shillings coined in that proportion, the discovery of either a gold or silver mine of more than the ordinary degree of productiveness, or the discovery of any abridged process by which labour could be saved in the production of only one of the metals, would be sufficient to derange this proportion. As soon, however, as the mint proportion between the different metals ceases to be the same with that which they bear to each other in the market, then it becomes the obvious interest of every debtor to pay his debts in the metal whose mint valuation is highest.

In 1718, in pursuance of the advice of Sir Isaac Newton, the value of the guinea was fixed at 21 shillings; or, the value of fine gold compared with that of fine silver, was estimated in our coinage at $15\frac{2885}{13864}$ to 1. But, notwithstanding this reduction, the guinea was still rated at a higher value, compared with silver,

than it ought to have been. This over-valuation is estimated by the late Lord Liverpool to have been at the time equal to 4d. on the guinea, or to $1\frac{19}{31}$ per cent.; and as the real value of silver relatively to gold continued to increase during the greater part of last century, this difference, which even in the reign of George I. caused all considerable payments to be made in gold, became afterwards much greater. This error in the mint valuation of gold and silver was the cause that, during the long period from 1718 down to the late recoinage, no silver currency of the legal weight and fineness would remain in circulation. The real value of silver coins relatively to gold coins, which were, equally with the former, made a legal tender by the proclamation of 1718, being underrated, they were no sooner issued than they found their way to the melting pot. None, therefore, but very light coins, remained in circulation; and when, in 1797, the further coinage of silver was forbidden, the silver currency was very much debased. But as this currency existed only in a *limited quantity*, it did not, according to the principle already explained, sink in its current value. Though so debased, it was still the interest of debtors to pay in the gold coin. If, indeed, the quantity of this debased silver coin had been very great, or if the mint had issued such debased pieces, it might have been the interest of debtors to pay in this debased money: but its quantity was limited, and it sustained its value; and gold, therefore, was in practice the real standard of currency.

It is not to be imagined that the act of 1774, declaring that silver should not be a legal tender for any debt exceeding 25*l*., *unless by weight according to the mint standard*, had any effect in causing the general employment of gold as a circulating medium; for, as Mr Ricardo has justly observed,

'This law did not prevent any debtor from paying any debt, however large its amount, in silver currency fresh from the mint. That the debtor did not pay in this metal, was not a matter of chance, nor a matter of compulsion, but wholly the effect of choice. It did not suit him to take silver to the mint, but it did suit him to take gold hither. It is probable, that if the quantity of this debased silver in circulation had been enormously great, and also a legal tender, that a guinea would have been again, as in the reign of William III., worth 30s.; but it would have been the debased shilling that would have fallen in value, and not the guinea that had risen.'*

The absurdity of employing equally two metals as a legal tender for debts, or as a standard of value, was unanswerably

* Principles of Political Economy, &c. p. 520.

demonstrated by Mr Locke and Mr Harris, and has been noticed by every subsequent writer; but so slow is the progress of improvement, that it was not till 1816 that it was enacted, that gold only should be a legal tender for any sum exceeding 21 shillings.

Whether, however, gold should, in preference to silver, have been adopted as the standard of exchangeable value, is a question which is not so easy of solution and on which there is a great diversity of opinion. Mr Locke, Mr Harris and Mr Ricardo, are decidedly of opinion, that silver is much better fitted than gold for a standard; while Dr Smith, although he has not expressed himself explicitly on the subject, appears to think gold ought to be adopted in preference; and this opinion has been very ably supported by the late Lord Liverpool in his valuable work 'on the Coins of the Realm.'

It would be presumption in us to attempt to decide on a matter, respecting which the ablest political economists differ thus widely. We confess, however, that we are inclined to concur in opinion with those who think silver ought to be adopted as the standard. Whatever metal is set apart for this purpose, it will be a very difficult task to preserve the currency from falling into a deranged state, if it be not used as well in small as in large payments.

'The *integer*,' says Mr Harris, 'and its several parts, should bear an exact and due proportion of value to each other; and this would be impossible, if they were made of different materials. There must be coins of about the value of shillings and sixpences; and it would be better if we had some that were still smaller: Those sorts of coins are the most frequently wanted, and there is no doing without them. But a coin of a shilling, or even of half-a-crown value, would be too small in gold; and, therefore, at present, gold is much too valuable for a standard of money. And it would be a ridiculous and vain attempt, to make a standard integer of gold, whose parts should be silver; or to make a motley standard, part gold and part silver.' *

Silver is also much more steady in its value than gold. Almost all foreign countries have adopted it as their standard; and the demand and supply is comparatively regular: while the substitution of paper as the general circulating medium, would entirely remove the great objection against silver,—its being too bulky to be advantageously used in large payments.

Whether gold or silver be adopted as the standard of our currency, that will not in the least affect its total value; for the quantity of metal employed as money, or the quantity of metal

* Essay on Money and Coins, Part 1st, p. 60.

for which paper is the substitute, must always be in an inverse proportion to the value of that metal. If gold be continued as the standard, fifteen times less of that metal than of silver would be required; or, which is the same thing, if the denomination of a pound were given to any *specific weight* of gold and silver, fifteen times more of such silver pounds would be required to serve as a currency, or as bullion to exchange for notes,—fifteen to one being about the proportion which gold bears in value to silver. And hence it would make no difference as to the *expense* of a paper currency, to which a subsidiary metallic currency, for the effecting of small payments, should be attached, whether the bullion to be given in exchange for notes, and the subsidiary currency, consisted of gold or silver. But as gold is too valuable, in proportion to its bulk, to be coined into pieces of the value of a shilling or a sixpence, and as it is desirable to have the subsidiary currency composed of the same metal with that for which paper should be rendered exchangeable, silver ought to be adopted as the standard.

If, however, it should be deemed inexpedient to change the standard, it would not be proper to make any alteration on the late act allowing a seignorage of 6 per cent. on the silver coin; as the exacting of this seignorage will, after bank notes have been rendered payable in gold bullion, prevent all risk of the sudden disappearance of the subsidiary currency. Neither, on the supposition that silver were to be assumed as the standard, could there be any valid objection against continuing the seignorage: For, as notes would be exchangeable for bullion, and not for coin, it would not cause any reduction of the standard, while it would have the beneficial effect of preventing the too great multiplication of the subsidiary currency.

But, whatever determination Parliament may come to on this point, we trust the ensuing Session will not be allowed to terminate without some decided step being taken to restore to the country its ancient security against fluctuations in the value of money, either by reverting to our old system of cash payments, or by adopting the preferable system which it has been our object to point out and explain. It is essential to the best interests of the nation, that our present disgraceful monetary system should be put an end to. We do not mean by this to throw out any reflection against the conduct of the Directors of the Bank of England. They have used the extraordinary and almost unlimited powers vested in them by the Restriction, with a moderation for which they are entitled to the public gratitude, and which could not rationally have been expected from the

unrestrained forbearance of any body of men. Still, however, it is certain, that, during the twenty last years, fluctuations, of the most ruinous nature, have taken place in the value of the currency. From 1809 to 1815, both inclusive, paper money was depreciated below its value in gold from 20 to 30 per cent. During this period, therefore, landlords whose estates were let, stockholders and annuitants of all descriptions, and, in short, all classes who could not raise the nominal value of their incomes proportionably to the fall in the real value of money, suffered a real diminution of their incomes, corresponding to the extent of the depreciation. The injustice that, in a different state of things, would have been done to the public creditors, who had lent the country gold, or paper equivalent to gold, by *raising the denomination of the coin*, however gross and palpable, would not have been greater than what was actually done in paying them with this depreciated paper. The depreciation, too, had well nigh put an end to the practice of granting long leases,—a practice to which, more than to any thing else, the high cultivation of the country is to be ascribed. Landlords would not let their farms for 20 or 30 years, when they saw the rapid advance that was every day taking place in prices. The length of leases was generally reduced to half the usual period; and clauses were introduced, giving the landlord a power to resume possession during their currency. Nothing but the prospect of a continued rise of prices, or, in other words, a continued depreciation of paper, could have induced tenants to enter into such stipulations. They were altogether subversive of a sober and steady spirit of industry, and were only fitted for the fictitious state of things in which they were adopted.

But the mischief occasioned by the sudden restriction of the paper currency, and the consequent rapid augmentation of its value, has been still greater than what was previously caused by its increase. It is to this that the late unprecedented destruction of agricultural capital, and the wide-spread misery by which the farming class has been nearly overwhelmed, is chiefly to be ascribed. The first fall in the price of agricultural produce, in the autumn of 1813, and in the early part of 1814, was certainly owing to importations from the Continent. But its fall, in the latter part of 1814 and 1815, was not so much owing to that circumstance, as to the universal reduction of the issues of the country banks, and to the failure of an immense number (about 240) of these establishments. That support on which too many of the agriculturists rested, was torn away at the time it was most necessary. Credit fell to the ground, mutual confidence entirely ceased, and the fall of the price of raw produce,

as it was chiefly occasioned by a rise in the value of money, was accompanied by a proportionable increase of rent. It was then that all the defects of the fictitious system, on which we had been proceeding, became apparent. Thousands, who but a twelvemonth before considered themselves wealthy, at once sunk, as if by enchantment, and, without any fault of their own, into the abyss of poverty!

With the exception of the misery occasioned by the destruction of the assignats in France, we do not think that the misery and subversion of private fortunes occasioned by the late sudden reduction of Bank paper in this country, has ever been paralleled. Nor was this misery of a temporary or evanescent character. Its pernicious effects will long continue to be felt, not only by individuals, but by the nation at large. During the period in which the depreciation was greatest, the State borrowed several hundred millions. And it will now have this money, which was borrowed when a bank note was not worth more than 14s. or 15s., to pay, when its value is at par. All those taxes, too, which were imposed when the currency was thus reduced, must now, though not nominally, be really increased. And it may be questioned, whether, making allowance for the difference in the value of money, the country was not *less* heavily burdened in 1812 and 1813, than it is at this moment, notwithstanding we have now got rid of the Income-tax and war malt duty.

On every account, therefore, it is of infinite importance that the value of the currency should be rendered as little fluctuating as possible; or, in other words, that the Bank should be obliged to give cash or bullion in exchange for its notes. When a public debt has been contracted, a depreciation of paper induces what is really equivalent to a national bankruptcy. Now surely it is too much to entrust any corporate body, however respectable, with the power of reducing the national credit to nothing, and of ruining all those living on fixed incomes. But it is still more dangerous to entrust them with the power of enriching annuitants and stockholders at the expense of the productive classes,—or to arm them with the prerogative of *imposing indefinite taxes:* For they exercise that power most effectually, when, by diminishing their paper, and, consequently, raising its value, they reduce the money price of commodities, and oblige a farmer to sell two quarters of wheat, or a manufacturer two yards of cloth, to pay those taxes for which one had formerly sufficed. Such a power vested in the hands of a body unknown to the Constitution, and acting under no responsibility, is perfectly anomalous in a free country, and is altogether subversive of the security of property.

While it is in the power of the Directors of the Bank of England to increase or diminish the currency of the country at their pleasure, no person can form any probable estimate of the value of his property at any period but a little remote. The estate that is purchased to-day, and reckoned a good bargain, may, by the Bank's limiting its discounts, or withdrawing its notes from circulation, be rendered, in a very short time, not worth half the sum paid for it: And, on the contrary, if the Directors were more liberal in granting discounts, and increased the number of their notes in circulation, either by lending to the State or to individuals, the estate might speedily become worth double the money, that is, double the paper it had been sold for. This artificial and unnatural system, renders the *money value* of all the property in the empire dependent on the views and opinions—the whims and caprices—of *twenty-four* individuals. It is their fiat alone which makes one transaction good, and another bad. They hold the scale of value, and change its graduation as they judge proper.

The fate that attended the late issue of *three millions* of sovereigns, *not one of which remained in circulation three months afterwards*, will, we should hope, prevent any further attempts to make gold coins of the legal weight and fineness, circulate in company with an inconvertible paper. Nothing but rendering bank notes exchangeable for cash or bullion, can possibly restore the currency to a sound state. Every other scheme for the accomplishment of this most desirable object, will be found completely delusive and ineffectual.

ART. IV. LETTERS *from the* Hon. HORACE WALPOLE *to* GEORGE MONTAGU, Esq. *From the Year* 1736 *to* 1770. 4to. pp. 446. London, Rodwell & Martin.

HORACE WALPOLE was by no means a venerable or lofty character:—But he has here left us another volume of gay and graceful letters, which, though they indicate no peculiar originality of mind, or depth of thought, and are continually at variance with good taste and right feeling, still give a lively and amusing view of the time in which he lived. He was indeed a garrulous *old* man nearly all his days; and, luckily for his gossiping propensities, he was on familiar terms with the gay world, and set down as a man of genius by the Princess Amelia, George Selwyn, Mr Chute, and all persons of the like talents and importance. His descriptions of court dresses, court

revels, and court beauties, are in the highest style of perfection,—sprightly, fantastic and elegant: And the zeal with which he hunts after an old portrait or a piece of broken glass, is ten times more entertaining than if it were lavished on a worthier object. He is indeed the very prince of Gossips,—and it is impossible to question his supremacy, when he floats us along in a stream of bright talk, or shoots with us the rapids of polite conversation. He delights in the small squabbles of great politicians and the puns of George Selwyn,—enjoys to madness the strife of loo with half a dozen bitter old women of quality,—revels in a world of chests, cabinets, commodes, tables, boxes, turrets, stands, old printing, and old china,—and indeed lets us loose at once amongst all the frippery and folly of the last two centuries, with an ease and a courtesy equally amazing and delightful. His mind, as well as his house, was piled up with Dresden china, and illuminated through painted glass; and we look upon his heart to have been little better than a case full of enamels, painted eggs, ambers, lapis-lazuli, cameos, vases and rock-crystals. This may in some degree account for his odd and quaint manner of thinking, and his utter poverty of feeling:—He could not get a plain thought out of that cabinet of curiosities, his mind;—and he had no room for feeling,—no place to plant it in, or leisure to cultivate it. He was at all times the slave of elegant trifles; and could no more screw himself up into a decided and solid personage, than he could divest himself of petty jealousies and miniature animosities. In one word, every thing about him was in little; and the smaller the object, and the less its importance, the higher did his estimation and his praises of it ascend. He piled up trifles to a colossal height—and made a pyramid of nothings 'most marvellous to see.'

His political character was a heap of confusion: but the key to it is easy enough to find. He united an insufferable deal of aristocratical pretension with Whig professions,—and, under an assumed carelessness and liberality, he nourished a petty anxiety about court movements and a degree of rancour towards those who profited by them, which we should only look for in the most acknowledged sycophants of Government. He held out austere and barren principles, in short, to the admiration of the world,—but indemnified himself in practice by the indulgence of all the opposite ones. He wore his horse-hair shirt as an *outer* garment; and glimpses might always be caught of a silken garment within. He was truly of 'outward show elaborate; of inward less exact.' But, setting his political character—or rather the want of it—and some few private failings, and a good many

other questionable peculiarities, aside,—we find Walpole an amusing companion, and should like to have such a chronicler of small matters every fifty or sixty years;—or it might be better, perhaps, if, like the aloe, they should blossom but once in a century. With what spirit does he speak of the gay and noble visitors at Strawberry Hill! How finely does he group, in his letters, the high-born and celebrated beauties of the court, with whom it was his fortune and his fancy to associate!

'Strawberry Hill is grown a perfect Paphos; it is the land of beauties. On Wednesday, the Dutchesses of Hamilton and Richmond, and Lady Ailesbury, dined there; the two latter staid all night. There never was so pretty a sight as to see them all sitting in the shell. A thousand years hence, when I begin to grow old, if that can ever be, I shall talk of that event, and tell young people how much handsomer the women of my time were than they will be. Then I shall say, "Women alter now: I remember Lady Ailesbury looking handsomer than her daughter the pretty Dutchess of Richmond, as they were sitting in the shell on my terrace, with the Dutchess of Richmond, one of the famous Gunnings," &c. &c. Yesterday, t'other famous Gunning dined there. She has made a friendship with my charming niece, to disguise her jealousy of the new Countess's beauty: there were they two, their Lords, Lord Buckingham, and Charlotte. You will think that I did not choose men for my parties so well as women. I don't include Lord Waldegrave in this bad election.'

All the rest is in the same style: and lords and ladies are shuffled about the whole work as freely as court cards in a party at Loo. Horace Walpole, to be sure, is always Pam: but this only makes the interest greater, and the garrulity more splendid. He is equally sprightly and facetious, whether he describes a King's death and funeral, or a quirk of George Selwyn; and is nearly as amusing when he recounts the follies and the fashions of the day, as when he affects to be patriotic, or solemnizes into the sentimental. His style is not a bit less airy when he deals with 'the horrid story of Lord Ferrers's murdering his steward,' than when it informs us that 'Miss Chudleigh has called for the council books of the subscription concert, and has struck off the name of Mrs Naylor.' He is equally amusing whether he records the death of the brave Balmerino, or informs us that 'old Dunch is dead.'

The letters of eminent men make, to our taste, very choice and curious reading; and, except when their publication becomes a breach of honour or decorum, we are always rejoiced to meet with them in print. We should except, perhaps, the letters of celebrated warriors; which, for the most part, should only be published in the Gazette. But, setting these heroes

aside, whose wits, Pope has informed us, 'are kept in ponderous vases,' letters are certainly the honestest records of great minds, that we can become acquainted with; and we like them the more, for letting us into the follies and treacheries of high life, the secrets of the gay and the learned world, and the mysteries of authorship. We are ushered, as it were, behind the scenes of life; and see gay ladies and learned men, the wise, the witty, and the ambitious, in all the nakedness, or undress at least, of their spirits. A poet, in his private letters, seldom thinks it necessary to keep up the farce of feeling: but casts off the trickery of sentiment, and glides into the unaffected wit, or sobers quietly into the honest man. By his published works, we know that an author becomes a 'Sir John with all Europe;' and it can only be by his letters that we discover him to be 'Jack with his brothers and sisters, and John with his familiars.' This it is that makes the private letters of a literary person so generally entertaining. He is glad to escape from the austerity of composition, and the orthodoxy of thought; and feels a relief in easy speculations or ludicrous expressions. The finest, perhaps, in our language, are eminently of this description—we mean those of Gray to his friends or literary associates. His poetry is too scholastic and elaborate, and is too visibly the result of laborious and anxious study. But, in his letters, he at once becomes an easy, and graceful, and feeling writer. The composition of familiar letters just suited his indolence, his taste, and his humour. His remarks on poetry are nearly as good as poetry itself;—his observations on life are full of sagacity and fine understanding;—and his descriptions of natural scenery, or Gothic antiquities, are worth their weight in gold. Pope's letters, though extremely elegant, are failures as letters. He wrote them to the world, not to his friends; and they have therefore very much the air of universal secrets. Swift has recorded his own sour mind in many a bitter epistle; and his correspondence remains a stern and a brief chronicle of the time in which he lived. Cowper hath unwittingly beguiled us of many a long hour, by his letters to Lady Hesketh; and in them we see the fluctuations of his melancholy nature more plainly, than in all the biographical dissertations of his affectionate editor.——But we must not make catalogues,—nor indulge longer in this eulogy on letter-writing. We take a particular interest, we confess, in what is thus spoken aside, as it were, and without a consciousness of being overheard;—and think there is a spirit and freedom in the tone of works written for the post, which is scarcely ever to be found in those written for the press.

We are much more edified by one letter of Cowper, than we should be by a week's confinement and hard labour in the metaphysical Bridewell of Mr Coleridge; and a single letter from the pen of Gray, is worth all the pedlar-reasoning of Mr Wordsworth's Eternal Recluse, from the hour he first squats himself down in the sun to the end of his preaching. In the first we have the light unstudied pleasantries of a wit, and a man of feeling;—in the last we are talked to death by an arrogant old proser, and buried in a heap of the most perilous stuff and the most dusty philosophy.

But to come back to the work before us.—Walpole evidently formed his style upon that of Gray, with whom he travelled; and, with his own fund of pleasantry and sarcasm, we know of no other writer whom he could so successfully have studied. There are some odd passages on Gray, scattered up and down the present volume, which speak more for the poet than for the justice or friendship of Walpole. In one letter he says,

'The first volume of Spencer is published with prints designed by Kent;—but the most execrable performance you ever beheld. The graving not worse than the drawing; awkward knights, scrambling Unas, hills tumbling down themselves, no variety of prospect, and three or four perpetual spruce firs.—Our charming Mr Bentley is doing Mr Gray as much more honour as he deserves than Spencer!'

This is indeed a lordly criticism. We really never saw so much bad taste condensed into so small a portion of prose. But he next shows us what ladies of the court think of men of letters, and how lords defend them.

'My Lady Ailesbury has been much diverted, and so will you too. Gray is in their neighbourhood. My Lady Carlisle says *he is extremely like me in his manner.* They went a party to dine on a cold loaf, and passed the day. Lady A. protests he never opened his lips but once, and then only said, "Yes, my Lady, I believe so."

'I agree with you most absolutely in your opinion about Gray; he is the worst company in the world. From a melancholy turn, from living reclusely, and from a little too much dignity, he never converses easily. All his words are measured and chosen, and formed into sentences. His writings are admirable. He himself is not agreeable.'

But it is not only to his particular friends that he is thus amiably candid. Two other great names are dealt with in the same spirit in the following short sentence.

'Dr Young has published a new book, on purpose, he says himself, to have an opportunity of telling a story that he has known these forty years. Mr Addison sent for the young Lord Warwick, as he was dying, to show him in what peace a Christian could die. Unluckily he died of brandy. Nothing makes a Christian die in

peace like being a maudlin! But don't say this in Gath, where you are.

It is worthy of remark, indeed, that Walpole never speaks with respect of any man of genius or talent, and, least of all, of those master spirits who 'have got the start of this majestic world.' He envied all great minds; and shrunk from encountering them, lest his own should suffer by the comparison. He contrived indeed to quarrel with all his better-spirited friends. Even the gentleman to whom these epistles were addressed, a correspondent of three score years' standing, fell at last under his displeasure, and was dismissed his friendship. He turned out the domestics of the heart as easily as those of the house; with little or no notice, and with threats of giving them a bad character as a return for their past services. He wished to have genius to wait upon him; but was always surprised that it would not submit to be a servant of all work. Poor Bentley, of whom we hear praises 'high fantastical' in the early letters, meets with but scurvy treatment the moment he gets out of fashion with his half-patron and half-friend. He is all spirit, goodness and genius, till it falls to his turn to be disliked; and then the altered patron sneers at his domestic misfortunes, depreciates his talents, and even chuckles at the failure of a play which the artist's necessities required should be successful. The following is the ill-natured passage to which we allude.

'No, I shall never cease being a dupe, till I have been undeceived round by every thing that calls itself a virtue. I came to town yesterday, through clouds of dust, to see The Wishes, and went actually feeling for Mr Bentley, and full of the emotions he must be suffering. What do you think, in a house crowded, was the first thing I saw? Mr and Madame Bentley perched up in the front boxes, and acting audience at his own play! No, all the impudence of false patriotism never came up to it. Did one ever hear of an author that had courage to see his own first night in public? I don't believe Fielding or Foote himself ever did; and this was the modest, bashful Mr Bentley, that died at the thought of being known for an author even by his own acquaintance! In the stage-box was Lady Bute, Lord Halifax, and Lord Melcombe. I must say, the two last entertained the house as much as the play. Your King was prompter, and called out to the actors every minute to speak louder. The other went backwards and forwards behind the scenes, fetched the actors into the box, and was busier than Harlequin. The *curious* prologue was not spoken—the whole very ill acted. It turned out just what I remembered it: the good parts extremely good; the rest very flat and vulgar, &c.'

A poor painter of the name of Müntz is worse off even than Bentley; and is abused in a very ungenerous way for want of

gratitude, and unmerciful extortion. There is a sad want of feeling and dignity in all this; but the key to it is, that Walpole was a miser. He loved the arts after a fashion; but his avarice pinched his affections. He would have had 'that which he esteemed the ornament of life,' but that he 'lived a coward in his own esteem.' The following haggling passage in one of his letters would disgrace a petty merchant in Duke's Place, in a bargain for the reversion of an old pair of trowsers.

'I am disposed to prefer the younger picture of Madame Grammont by Lely; but I stumbled at the price; twelve guineas for a copy in enamel is very dear. Mrs Vesey tells me his originals cost sixteen, and are not so good as his copies. I will certainly have none of his originals. His, what is his name? I would fain resist this copy; I would more fain excuse myself for having it. I say to myself it would be rude not to have it, now Lady Kingsland and Mr Montagu have had so much trouble. Well—*I think I must have it*, as my Lady Wishfort says, *why does not the fellow take me?* Do try if he will take ten;—remember it is the younger picture.'

Thus did he coquet with his own avarice. Of poor Mason, another of his dear friends, he speaks thus spitefully—

'Mr Mason has published another drama, called Caractacus. There are some incantations poetical enough, and odes so Greek as to have very little meaning. But the whole is laboured, uninteresting, and no more resembling the manners of Britons than of Japanese. It is introduced by a piping elegy; for Mason, in imitation of Gray, *will cry and roar all night*, without the least provocation.'

Mason might have endured the paltriness of this remark, if he could have seen the following pertinent remark on the Cymbeline of Shakespeare.

'You want news. I must make it if I send it. To change the dulness of the scene, I went to the play, where I had not been this winter. They are so crowded, that though I went before six, I got no better place than a fifth row, where I heard very ill, and was pent for five hours without a soul near me that I knew. It was Cymbeline; and appeared to me as long as if every body in it went really to Italy in every act, and back again. With a few pretty passages and a scene or two, it is so absurd and tiresome, that I am persuaded Garrick * * * *'

This precious piece of criticism is cut short; whether from the sagacity of the editor or the prudence of the publishers, we cannot say. But it is much to be lamented. For it must have been very edifying to have seen Shakespeare thus pleasantly put down with a dash of the Honourable Mr Walpole's pen—as if he had never written any thing better than the Mysterious Mother.

A conversation is here recorded between Hogarth and Walpole, which seems to us very curious and characteristic; though

we cannot help smiling a little at the conclusion, where our author humanely refrains from erasing the line of praise which he had 'consecrated' to Hogarth;—as if the painter would infallibly have been damned into oblivion by that portentous erasure. But he is of the stuff that cannot die. With many defects, he was a person of great and original powers—a true and a terrific historian of the human heart and his works will be remembered and *read*, as long as men and women retain their old habits, passions and vices. The following is the conversation of which we have spoken.

'*Hogarth.*—I am told you are going to entertain the town with something in our way. *Walpole.* Not very soon, Mr Hogarth.—*H.* I wish you would let me have it to correct; I should be very sorry to have you expose yourself to censure; we painters must know more of those things than other people. *W.* Do you think nobody understands painting but painters? *H.* Oh! so far from it, there's Reynolds who certainly has genius; why but t'other day he offered a hundred pounds for a picture that I would not hang in my cellars; and indeed to say truth, I have generally found that persons, who had studied painting least, were the best judges of it; but what I particularly wished to say to you was about Sir James Thornhill (you know he married Sir James's daughter); I would not have you say any thing against him: There was a book published some time ago, abusing him, and it gave great offence. He was the first that attempted history in England; and I assure you, some Germans have said that he was a very great painter. *W.* My work will go no lower than the year one thousand seven hundred, and I really have not considered whether Sir J. Thornhill will come into my plan or not: If he does, I fear you and I shall not agree upon his merits. *H.* I wish you would let me correct it; besides I am writing something of the same kind myself—I should be sorry we should clash. *W.* I believe it is not much known what my work is; very few persons have seen it. *H.* Why it is a critical history of painting is it not? *W.* No, it is an antiquarian history of it in England. I bought Mr Vertue's MSS. and I believe the work will not give much offence; besides if it does I cannot help it: when I publish any thing I give it to the world to think as they please. *H.* Oh! if it is an antiquarian work we shall not clash; mine is a critical work; I don't know whether I shall ever publish it. It is rather an apology for painters. I think it is owing to the good sense of the English that they have not painted better. *W.* My dear Mr Hogarth, I must take my leave of you; you now grow too wild—and I left him. If I had staid, there remained nothing but for him to bite me. I give you my honour this conversation is literal and, perhaps as long as you have known Englishmen and painters you never met with any thing so distracted. I had consecrated a line to his genius (I mean for wit) in my preface; I shall not erase it; but I hope no one will ask me if he is not mad.'

We do not think he was mad:—But the self-idolatry of fanciful persons often exhibits similar symptoms. A man of limited genius, accustomed to contemplate his own conceptions, has long settled his ideas as to every thing, and every other person existing in the world. He thinks nothing truly bright that does not reflect his own image back upon himself;—nothing truly beautiful, that is not made so by the lustre of his own feelings. He lives in a sort of chaste singleness; and holds every approach of a stronger power as dangerous to his solitary purity. He thinks nothing so important as his own thoughts—nothing so low, that his own fancy cannot elevate into greatness. He sees only 'himself and the universe;' and will 'admit no discourse to his beauty.' He is himself—alone! If such a man had had a voice in the management of the flood, he would have suffered no creeping thing to enter the ark but himself; and would have floated about the waters for forty days in lonely magnificence.

Passages of the kind, we have hitherto instanced, are very plentiful in all parts of the work; and we are glad they are so numerous,—because they will set Walpole's higher pretensions at rest with posterity. Time is a disinterested personage, and does his work on dull or rash men fairly and effectually. He knows nothing of criticism but its austerity and its sarcasm. He cannot feel poetry; and has, therefore, no right to settle its laws, or imitate its language. His taste in painting was affected and dogmatical. His conduct to men of genius was a piece of insolence, which Posterity is bound to resent! The true heirs of fame are not to be disturbed in the enjoyment of their property, by every insolent pretender who steps in and affects a claim upon it. The world is called on 'to defend the right.'

To come, however, to the better side of our subject.—Walpole is, as we have said, an inimitable gossip,—a most vivacious garrulous historian of fair-haired women, and curious blue china. His garrulity, moreover, hath a genius of its own—and a transparent tea-cup lets in the light of inspiration upon it, and makes it shine with colours nigh divine. An inlaid commode is, with him, the mind's easy chair. We shall select a few passages from the letters before us, which, for pleasantry, ease and alertness, are by far the gayest *morceaux* of description we have read of late. We may begin with a curious anecdote of Fielding, which is almost as interesting as any thing in the book. Thus it is—

'Take sentiments out of their pantoufles, and reduce them to the infirmities of mortality, what a falling off there is! I could not help

laughing in myself t'other day, as I went through Holborn in a very hot day, at the dignity of human nature. All those foul old-clothes women panting without handkerchiefs, and mopping themselves all the way down within their loose jumps. Rigby gave me as strong a picture of nature. He and Peter Bathurst, t'other night, carried a servant of the latter's, who had attempted to shoot him, before Fielding; who, to all his other vocations, has, by the grace of Mr Lyttleton, added that of Middlesex Justice. He sent them word that he was at supper; that they must come next morning. They did not understand that freedom, and ran up, where they found him banqueting with a blind man, a w——, and three Irishmen, on some cold mutton and a bone of ham, both in one dish, and the dirtiest cloth. He never stirred, nor asked them to sit. Rigby, who had seen him so often come to beg a guinea of Sir C. Williams, and Bathurst, at whose father's he had lived for victuals, understood that dignity as little, and pulled themselves chairs;—on which he civilized.'

It is very certain that the writings of men are coloured by their indolence, their amusements, and their occupations; and this little peep into Fielding's private hours, lets us at once into his course of studies, and is an admirable illustration of his Tom Jones, Jonathan Wild, and other novels. We are taken into the artist's workshop, and shown the models from which he works; or rather, we break in upon him at a time when he is copying from the *life*. It is a very idle piece of morality, to lament over Fielding for this low indulgence of his appetite for character. If he had been found quietly at his tea, he would never have left behind him the name he has done. There is nothing of a tea inspiration in any of his novels. They are assuredly the finest things of the kind in the language; and we are Englishmen enough to consider them the best in any language. They are indubitably the most English of all the works of Englishmen.

The descriptions of Lord Ferrers's fatal murder, and of Balmerino's death, are given with considerable spirit—(our author, indeed, is extremely *piquant* in matters of life and death); and we are puzzled which to select for our readers. They are both strongly illustrative of the times in which Walpole and the heroes of them lived; but we cannot afford room for them both; and we choose the latter on Lord Ferrers,—not because it is better written, or that the subject is more interesting, but because the book before us is open at that part, and because we would not idly meddle with so heroic a fall as that of the Lord Balmerino.

'The extraordinary history of Lord Ferrers is closed: He was executed yesterday. Madness, that in other countries is a disorder, is here a systematic character: It does not hinder people from form-

ing a plan of conduct, and from even dying agreeably to it. You remember how the last Ratcliffe died with the utmost propriety; so did this horrid lunatic, coolly and sensibly. His own and his wife's relations had asserted that he would tremble at last. No such thing; he shamed heroes. He bore the solemnity of a pompous and tedious procession of above two hours, from the Tower to Tyburn, with as much tranquillity as if he was only going to his own burial, not to his own execution. He even talked of indifferent subjects in the passage; and if the sheriff and the chaplains had not thought that they had parts to act too, and had not consequently engaged him in most particular conversation, he did not seem to think it necessary to talk on the occasion. He went in his wedding-clothes; marking the only remaining impression on his mind. The ceremony he was in a hurry to have over. He was stopped at the gallows by a vast crowd; but got out of his coach as soon as he could, and was but seven minutes on the scaffold; which was hung with black, and prepared by the undertaker of his family at their expense. There was a new contrivance for sinking the stage under him, which did not play well; and he suffered a little by the delay, but was dead in four minutes. The mob was decent, and admired him, and almost pitied him; so they would Lord George, whose execution they are so angry at missing. I suppose every highwayman will now preserve the blue handkerchief he has about his neck when he is married, that he may die like a lord. With all his madness, he was not mad enough to be struck with his aunt Huntingdon's sermons. The Methodists have nothing to brag of his conversion; though Whitfield prayed for him, and preached about him. Even Tyburn has been above their reach. I have not heard that Lady Fanny dabbled with his soul; but I believe she is prudent enough to confine her missionary zeal to subjects where the body may be her perquisite.'

The following is the account of Walpole's visit to Newsted Abbey,—the seat of the Byrons.

'As I returned. I saw Newsted and Althorpe; I like both. The former is the very abbey. The great east window of the church remains, and connects with the house; the hall entire, the refectory entire, the cloister untouch'd, with the ancient cistern of the convent, and their arms on; It is a private chapel, quite perfect. The park, which is still charming, has not been so much unprofaned: The present lord has lost large sums, and paid part in old oaks; five thousand pounds of which have been cut near the house. In recompense, he has built two baby forts, to pay his country in castles for damage done to the navy; and planted a handful of Scotch firs, that look like ploughboys dress'd in old family liveries for a public day. In the hall is a very good collection of pictures, all animals; the refectory, now the great drawing room, is full of Byrons; the vaulted roof remaining, but the windows have new dresses making for them by a Venetian tailor.'

This is a careless, but happy description, of one of the noblest mansions in England; and it will *now* be read with a far deeper interest than when it was written. Walpole saw the seat of the Byrons, old, majestic, and venerable;—but he saw nothing of that magic beauty which Fame sheds over the habitations of Genius, and which now mantles every turret of Newsted Abbey. He saw it when Decay was doing its work on the cloister, the refectory, and the chapel, and all its honours seemed mouldering into oblivion. He could not know that a voice was soon to go forth from those antique cloisters, that should be heard through all future ages, and cry, 'Sleep no more, to all the house.' Whatever may be its future fate, Newsted Abbey must henceforth be a memorable abode. Time may shed its wild flowers on the walls, and let the fox in upon the court-yard and the chambers. It may even pass into the hands of unlettered pride or plebeian opulence.—But it has been the mansion of a mighty poet. Its name is associated to glories that cannot perish—and will go down to posterity in one of the proudest pages of our annals.

Our author is not often pathetic: But there are some touches of this sort in the account of his visit to Houghton—though the first part is flippant enough.

'The surprise the pictures gave me is again renewed. Accustomed for many years to see nothing but wretched daubs and varnished copies at auctions, I look at these as enchantment. My own description of them seems poor; but, shall I tell you truly, the majesty of Italian ideas almost sinks before the warm nature of Flemish colouring. Alas! don't I grow old? My young imagination was fired with Guido's ideas; must they be plump and prominent as Abishag to warm me now? Does great youth feel with poetic limbs, as well as see with poetic eyes? In one respect I am very young; I cannot satiate myself with looking: an incident contributed to make me feel this more strongly. A party arrived, just as I did, to see the house; a man, and three women in riding dresses, and they rode post through the apartments. I could not hurry before them fast enough; they were not so long in seeing for the first time, as I could have been in one room, to examine what I knew by heart. I remember formerly being often diverted with this kind of *seers*; they come—ask what such a room is called—in which Sir Robert lay—write it down—admire a lobster or a cabbage in a market piece—dispute whether the last room was green or purple—and then hurry to the inn for fear the fish should be over-dressed. How different my sensations! Not a picture here but recalls a history; not one but I remember in Downing-street or Chelsea, where queens and crowds admired them,—though seeing them as little as these travellers!'

There is some appearance of heart, too, in his account of Lady Waldegrave's sufferings on the death of her husband.

She was a beautiful woman; and Walpole seems to have been really kind to her.

'I had not risen from table, when I received an express from Lady Betty Waldegrave, to tell me that a sudden change had happened; that they had given him James's powders, but that they feared it was too late; and that he probably would be dead before I could come to my niece, for whose sake she begged I would return immediately. I was indeed too late! Too late for every thing.—Late as it was given, the powder vomited him even in the agonies. Had I had power to direct, he should never have quitted James:—But these are vain regrets!—Vain to recollect how particularly kind he, who was kind to everybody, was to me! I found Lady Waldegrave at my brother's. She weeps without ceasing; and talks of his virtues and goodness to her in a manner that distracts one. My brother bears this mortification with more courage than I could have expected from his warm passions: but nothing struck me more than to see my rough savage Swiss, Louis, in tears as he opened my chaise.—I have a bitter scene to come. To-morrow morning I carry poor Lady Waldegrave to Strawberry. Her fall is great, from that adoration and attention that he paid her,—from that splendour of fortune, so much of which dies with him,—and from that consideration which rebounded to her from the great deference which the world had for his character. Visions, perhaps. Yet who could expect that they would have passed away even before that fleeting thing, her beauty!'

This lady seems to have been afflicted nearly beyond the hope of consolation. Nevertheless, she married again. It is not a bad sign, we believe, when a widow sets in with a good wet grief: she has the better chance of a fine day. Philosophers assert, indeed, that it is possible for a woman to cry a sorrow clean out:—and we must confess, we have now and then heard of such things.

We must draw to a close now with our quotations—though we wish we had room for more. For the author is exceedingly amusing in his attempt at tracing his descent from Chaucer;—in his remarks on old and young kings,—in his practical and prospective speculations on gout in the feet and stomach,—and in his picture of himself, 'with sweet peas stuck in his hair!' We should have liked, too, to extract a *bon mot* or two of George Selwyn, whose love of puns and executions was equally insatiable; but they stick too fast in the looser texture of his historian, to be disengaged with any moderate labour. The following little passage is very pleasingly written.

'For what are we taking Belleisle?—I rejoiced at the little loss we had on landing: For the glory, I leave it to the Common Council. I am very willing to leave London to them too, and do pass half the week at Strawberry, where my two passions, lilacs and nightingales,

are in full bloom. I spent Sunday as if it were Apollo's birth-day; Gray and Mason were with me, and we listened to the nightingales till one o'clock in the morning. Gray has translated two noble incantations from the Lord knows who, a Danish Gray, who lived the Lord knows when. They are to be enchased in a history of English Bards, which Mason and he are writing, but of which the former has not written a word yet, and of which the latter, if he rides Pegasus at his usual foot pace, will finish the first page two years hence!'

We cannot understand the Editor's drift in leaving so many names unprinted. The respect for the living has been carried, we think, to a most awful extent: for names are continually left blank, which would visit their sins, if at all, upon the third or fourth generation. In many instances, too, the allusions are as plain as if the names had been written at full length. At p. 185, for example, we perceive a delicate attention of this sort to the family of Northumberland,—though few readers can be so respectfully uninformed as to be at all perplexed by the suppression. Chevy Chase has not left the Douglas and the Percy in such comfortable security. The mystical passage is as follows.

'Lady R——— P——— pushed her on the birth-night against a bench. The Dutchess of Grafton asked if it was true that Lady R——— kicked her? "Kick me, Madam! when did you ever hear of a P——y that took a kick?" I can tell you another anecdote of that house, that will not divert you less. Lord March making them a visit this summer at Alnwic Castle, my Lord received him at the gate and said, "I believe, my Lord, this is the first time that ever a Douglas and a P——y met here in friendship." Think of this from a Smithson to a true Douglas.'

The beauty of the thing too, is, that Smithson (which alone could give offence) is printed with all the letters—while Percy is delicately left in initials and finals.

There are some verses in the book, of which, out of regard to the author's memory, we shall say nothing. They are very apparently 'by a person of quality.' Pope, we think, has written something like them under that signature—which rather takes from their originality.——But we now take our final leave of this lively volume,—with our usual protest against the enormous size into which this collection has been distended. Booksellers now-a-days only study how to construct large paper houses for their little families of letter-press,—and never think of the taxation to which they thus subject their readers. These Letters might have been comfortably accommodated in a comely little octavo, and sold at a reasonable price: Instead of which, they are put forth in a good stiff quarto,—and are, to use old Marall's phrase, 'very chargeable.' We hope soon to see them in a more accessible shape.

Art. V. *Histoire des Cortes d'Espagne.* Par M. Sempere, de l'Academie de l'Histoire de Madrid, cidevant Procureur du Roi en la Chancellerie de Grenade. Bourdeaux, 1815.

M. Sempere is one of those Spaniards whose talents and acquirements would confer honour upon any country, and who have been banished from their own by the active jealousy of its rulers. He is now living at Paris; and although he is kept out of the enjoyment of his dignities and fortune, his hours pass happily in literary retirement. In this work, we find considerable originality of thought combined with great historical diligence and precision. M. Sempere places himself in opposition to the opinions enounced by Marina in his 'Theory of the Cortes;' and he has clearly pointed out many errors into which that able writer has fallen, whose judgment has often yielded to his enthusiasm for liberty. We do not intend, however, to enter at present into a critical examination of the 'History of the Cortes;' for the history of the ancient constitution of Castile, has been discussed more than once in this Journal; and we must now proceed to consider the origin and nature of the ancient laws of Spain. M. Sempere has touched incidentally upon this topic, and in such a manner as to make us regret that he has not been more diffuse. Notwithstanding the valuable publications of Llorente, and Manuel, and Delrio, and Marina, the study of the legal antiquities of Spain is as yet in its infancy; and M. Sempere's avocations have qualified him for the composition of an accurate history of the Spanish law, which would be equally acceptable to his countrymen and to strangers.

It is indeed an interesting employment to an Englishman to investigate the ancient jurisprudence of the nations who dwell on the firm land of Europe. To the constitutional lawyer these researches should be enjoined as a duty; and they are indispensable to all who wish to understand, with precision, our own early history. Excepting in its outermost boundaries and march lands, the European continent has received either its population or its polity from the sons of the same great Teutonic family to which we also belong—once owning the same laws in all their settlements, and now immeasureably diversified in all their institutions. At first we behold the kindred springs gushing forth from the same rock. Awhile they ripple beneath the shade; and at length burst out into day with more rapid flow. Some, however, soon become turbid by the admission of foreign streams; and others are absorbed in marshes, or lost in the arid sand. One alone pursues a steady course, widening as it

advances, defying the attempts which are made to taint its waters, and overwhelming all obstacles beneath its waves. Comparisons like these afford room for thankfulness, rather than for pride of heart; yet we cannot refrain from indulging in them, when the legal constitutions of the countries whose inhabitants are of Teutonic origin, are considered in relation to our English laws, which, with all their blemishes, are more conducive to the well-being of the commonwealth, than any other system of legislation which the wit of man has hitherto been able to devise.

From their geographical position, the Belgic and Scandinavian tribes seem to have been the first, while the Visigoths were perhaps the last, amongst the nations who wandered from the shores of the Euxine and the Eastern Asgard. Destiny led the Visigoths far from the regions which formed the chief domain of their brethren. And well might the Norwegian damsels sing in their ballads of chivalry and love—*how Miklagard and the land of Spain lay wide away o'er the lee.*

> ' Myklagard ok Spanialand
> Thad liggur so langt af leidi. '

Another tongue was spoken by the Spaniards, and they were clad in another guise; but they trod in the pine forests of Tebar with the same spirit as their brother Goths beneath the firs of Norway. Odin, perhaps, would have disclaimed them for their degeneracy; yet the laws of Spain retained many vestiges of the wisdom which assembled the twelve deified judges beneath the ash Ygdrasil, and raised the twelve seats of doom in the vale of Ida, though centuries had elapsed since the Runic rhyme had lost its potency, and the gods their votaries. Driven from the rich empire which had been won by the prowess of his forefathers, still the Spaniard was honoured by bearing the Gothic name; and Pelayo and his successors in the after-time, were strengthened by the recollection of the old days of conquest and of glory. Under the powerful influence both of national prosperity and of national misfortune: Taught alike by the conquered Roman and the victorious Arab: Corrupted by the wealth, and luxury, and refinement of Toledo: and struggling for existence amidst the wilds of the Asturias;—Still the Spaniard never wholly forgot or belied the fierce blood of the Goth from whom he was descended.

The Peninsula and the southern provinces of Gaul were subdued by the Visigoths before their laws were reduced into writing. We are informed by St Isidore, that Euric * first gave ' written laws ' to the Goths. For, until the reign of Euric, they were governed by ' unwritten usages and customs, ' in

* A. D. 466—84.

which all the law of the Teutonic nations was originally contained, even after they had advanced far beyond the savage state. Where this traditionary common law exists, it is always sufficiently extensive. Few cases could have come before the predecessors of Wisogast or Bodogast, which, according to the yet unwritten Salic law, they would have been incompetent to decide. Nor is it a paradox to assert, that traditionary law is frequently as permanent as written law. Letters being in common use amongst us, we hardly know how well the memory can be trusted. The verses of the Druids, as we collect from Cæsar, contained all the laws of the Gauls. In other words, the memory was assisted by an alliterative sentence, or a jingling line. Amongst the Teutonic nations, this application of the art of poesy seems to have been universal: And even now we may collect many an ancient verse which taught the law in times of old, and in which the rhyme assists the reason. Such, for instance, are the Kentish verses—'*The father to the bough, The son to the plough*'—which, duly expounded, signify, that land held in gavel kind descends to the child though the ancestor be attainted.—A rhyme of remoter date, declared the terms upon which the Kentish freeholder was to regain the land which he had forfeited—*Nygonsith seld, And nygonsith geld, And five pund to the were Ere he be a healdere.* Frailty worked the loss of the dower of the Kentish widow. When 'the childe was born and hearde to crye,' her tenancy in her husband's land expired. The heir entered, and sent the wanton to her paramour, on whom she was thenceforward to depend for maintenance, according to the monitory verse—*Se that hire wende, Se hire lende.* Or, as the same hath been waggishly paraphrased by grave Master Lambard—*He that doth turne or wende her, Let him also give unto her or lende her.* The four indications of offence against Vert and Venison, in like manner arrange themselves in rhyme—*Dog draw, stable stand, Backberinde, and bloody hand*;—and this formed the precept of the Forester, and instructed him to seize the trespasser who was taken with the mayneer whilst roaming in the green-wood shade.

Here also we see the origin of the old merry-rhyming grants.—There is King Athelstane's famous grant to the Minster of Beverley—'*As free mak I the, As hert may thynk, Or eygh may see*;'—and which appears to us to be one of the ancient technical forms which constitute a most important part of the law of the Northmen.—Another is the grant of 'William King' to Powlen Royden, of '*My hop and my hop lands, With* '*all their bounds, Both up and down, From heaven to erth,* '*From erth to hell, For thee and thine, Therein to dwell, From*

'*me and mine, To thee and thine, By a bow and a broad arrow, 'When I come to hunt upon Yarrow.*' This language is poetical though rugged; but it yields to the charter which commemorates the gift made by the Confessor *to Ranulph Peperkyng and his kindling, Of the hundred of Chelmer and Dancing, With Hart and Hind, Dae and Buck, Fox and Cat, Hare and Brock, Wild fowl with all his flock, Partrich fesaunt hen and cock, Green and wild, Stub and stock, To keepen and to yeemen by all hire might, Both by day and eke by night, And houndes for to hold, Good swifte and bolde, Four greyhounds and six braches, For hare and fox and wild cattes.* Earl Sweyn of Essex, Bishop Wulstane 'book y lered,' and Hovelyn the steward, are named in the *teste* of the charter; but the lively enumeration of the franchises of the forest, rather bespeaks the talent of the gleeman than the 'book-lere' of the bishop and the clerk.

While lands could pass by word of mouth, such rhyming grants would strongly fix themselves upon the recollection of the witnesses; and it was a kinder method than the custom of the Franks and the Allemanni, who pinched the ears, and slapped the faces of the luckless wights who were called in to authenticate their deeds; thus impressing the memory through the feelings of the outward man. It is hardly necessary to observe, that neither Athelstane, nor the Confessor, nor the Conqueror, could speak in the language which is ascribed to them. The modernization, however, of the words of these monarchs, does not detract from the substantial antiquity of the rythmical memorials of their bounty. Most of our English proverbs were undoubtedly Saxon proverbs. In like manner the royal grants became popular saws, following the course of the language as the Saxon softened into 'Englysch,' in the mouths of the burgesses of Beverly, and the tenants of the Hopton manor. Their actual antiquity is proved by record to be at all events considerable. The grant of Beverly is set out in the petition presented to the House of Commons on behalf of the Archbishop of York in the 3d of Henry V. Ranulph Peperkyng's charter is at least as old as the reign of Edward the Second, it being avouched in the record of a suit in one of the Courts at Westminster of Hilary Term, 17 Ed. II. It is also enrolled in the Forest Roll of Essex. The spelling is much altered in the latter copy, from which our text is taken. We think some resemblance may be traced between its versification and the style of the Gest of King Horn. These whimsical instruments may be spurious; yet they may at least be received as good evidence of the antiquity of *law verse*. If they were forged, similar precedents must have been then extant, otherwise the rogues who invented them would have defeated their own ends. It is

in the Ancient Custumal of Kent that we find the Kentish rhymes; two are preserved in the corrupted Saxon used after the Conquest; the third is English; but all have been equally derived from the Saxons. We may corroborate these remarks, by observing, that the Saxon laws are frequently couched in alliterative, and assonant or rhyming sentences. Alfred strengthens the law which he set upon all ranks of men, by adding, that the '*Earl* and the *Churl*' are to be equally subjected to its penalties. The *Thane* and the *Theow* always appear in conjunction. In these expressions, the alliteration and the antithesis are equally in the spirit of northern poetry. The clauses of the oath of fidelity prescribed by the law of Athelstane, and which was probably much more antient than the statute in which it is incorporated, are marked by alliteration and rhythm. In the Frisick laws, almost every sentence has as many 'rhyme letters' as an Icelandic verse; and most of the historical recitals in that very singular collection, are evidently fragments of popular song: Eppo of Repkow begins his Saxon Mirror in hobbling verse.

Rhythmical laws may not have been universal; verse may not always have given its aid; but, even without this artificial help, the traditionary Teutonic law could not easily be effaced from the memory of the people. Whether civil and criminal trials were decided in the popular assemblies, or by a peculiar class of hereditary or elected judges, in the presence of such meetings, the law which guided them was remembered by every freeman. Unwritten law receives few innovations. Whilst it lives in the memory of the huntsman and the warrior, it does not admit of change so readily as when entrusted to the parchment of the scribe. When letters become known, the decree which issues to meet a particular case stands upon record, and becomes a precedent for future decisions; and too great a portion of the codes of the most civilized nations, consists of laws which ought to have had only an ephemeral existence. But so long as 'use and custom' formed the law, the mandate of the King which increased its rigour, or tempered its severity in special cases, was forgotten when the traitor had expiated his crime by some new and signal punishment, or when the relations of the slain had been compelled to content themselves with the diminished blood fine. The existence of the exception was forgotten in the general rule; and the people reverted to their ancient customs. The bent branch flew back, when the restraining hand was removed.

It is not known, whether any of the written statutes of Euric are preserved in the Visigothic code; Berganza, we know not on what authority, glosses the brief sentence of Isidore.

Euric, he says, *collected* the laws of his predecessors, adding thereto his own. In the chronicle of San Millan, Euric is said to be 'the king who gave the Goths a Catholic law'—*Gothis legem Catholicam dedit.* Neither Llorente, the last editor of the Fuero Juzgo, nor Marina, have attempted to explain this obscure expression. Berganza refers it to Euric's conversion from the heresies of Arius. But may it not simply signify, that he gave some universal law to the Gothic nation? Cardinal Baronius was of opinion, that the Visigoths had been previously subject to the laws of Theodorick the Ostrogoth; but the reign of Theodorick in Spain is involved in great obscurity; and there does not appear to be sufficient ground for rejecting the authority of Isidore, who considers Euric as the first legislator of the Visigoths.

The legislation of Euric was confined to his own people. But ALARIC, the son of Euric, confirmed to his Roman, and perhaps to his Gothic subjects, in the Gaulish provinces, the use of the Civil law, by the promulgation (A. D. 506) of an abridgement of the Theodosian code, sometimes called the *Anian breviary*, from the name of the Gothic senator, whose official signature certified the authenticity of the royal decree, which was also subscribed by Goaric, count of the sacred palace. The Theodosian code was the basis of the new system of legislation; but many regulations were extracted from the Constitutions of the Emperors, and the works of such of the Roman lawyers as were received as authority in the Roman tribunals.

It is very important to observe, that the legislative authority of the Visigothic kings, was exercised by them in concurrence with the national councils. The Gothic rulers imitated the state, and perhaps attempted to assume the power of the Roman emperors; but their decrees could not legally command obedience, unless sanctioned by those assemblies, which, in Spain, were always held at Toledo. The clergy and the nobles discussed the propositions made by the monarch; and the people assented to the decrees which were framed by the prelates and palatine officers. In the six first councils of Toledo, the acts are signed only by the ecclesiastical members; and the consent of the people is not always expressed. In the fourth council of Toledo, the question is put by the dignified Prelates; and the body of the clergy and the people answered—'He who presumes to violate our decree, let him be Anathema Maranatha.' The tenth canon of the 16th council was enacted by 'the priests of the Lord, the nobles of the palace, the clergy, and all the people.' Yet much was left to the discretion of the scribes; and it may be concluded, that the composition of these assemblies was nearly

uniform, notwithstanding the variations in the forms of the instruments in which their proceedings are recorded.

It was from such a Gothic council, that the code of Alaric, though collected from the decrees of the emperors, and the opinions of the Roman jurists, derived its validity. At Arles, the Gothic monarch assembled his bishops and his nobles. With their consent, he promulgated the code in which their deliberations, as he declared to his subjects, had explained the obscurities, and amended the errors, of the laws of Rome. This was a proud assertion; but the Anian Breviary retained its authority, at a period when the sources from which it was derived were nearly forgotten; and, until the recovery of the Pandects, it was the principal, if not the only code, from which a knowledge of the Civil law was gained by the jurists of Gaul and Spain.

Alaric gave an impulse to the Gothic legislation, which continued till the extinction of the monarchy; and guided the Visigothic kings and their councils in the formation of the successive digests or compilations of the Gothic laws: Although his Breviary was not received in Spain, yet the Spanish councils followed the example which Goaric and the magnates of the court of Alaric had afforded them. LEOVIGILD, the Arian King, acquired the title of the legislator of the Goths as well as Euric, and his image, according to the old traditions of Spain, was painted 'in long robes, in robes of peace,' more truly honourable than the corslet or the helm. He revised, says Isidore, such laws of Euric as were objectionable; and he added new laws to meet the cases for which Euric had not provided. The code of Euric, though imperfect, and requiring these enlargements, was yet redundant; and Leovigild abrogated many superfluous laws. Many of the laws of the heretical Father were abrogated or corrected in their turn by his Catholic son, RECAREDO, (from 621 to 631); and laws of GUNDEMAR, and SIJEBUTO, equally Catholic and intolerant, are found in the general collection.

A more important era in the history of the Gothic law is formed by the reign of SISENANDO, who, in the 4th council of Toledo, in 634, exhorted the assembly to bear in mind the decrees of his predecessors—to protect the rights of the church—and to correct the abuses which had arisen from the neglect of ecclesiastical discipline. In the acts of the council, as they now exist, the compilation of any general digest of the Gothic laws is unnoticed; but the ancient and uniform tradition of Spain considered the *Fuero Juzgo* as 'the book which was made by sixty-six bishops, in the presence of King Sisenando, in the 4th council of Toledo;' and Sisenando, like Leovigildo, was painted 'in long robes, in robes of peace.'

CHINDASVINTO enacted many good laws; but it may be doubted whether he undertook a general revision of the code. The 8th council of Toledo was convened in 653 by RECESVINTO, who directed it to revise and new arrange the existing code. The digest was executed and promulgated by the decree of the 'glorious King Recesvinto,' which appears at the head of the second book of the Visigothic code.§ In this decree he recites the correction of the laws which had taken place under his sanction, and that they 'followed in the book' in the order in which they had been disposed.

King BAMBA† issued several decrees intended to check the declension of military ardour amongst his subjects; but this unfortunate monarch was deprived of his throne by a strange device, suggested by the craft and ambition of ERVIGIUS. The usurper attempted to win the affections of the Goths, by recommending the members of the 12th council of Toledo‡ to moderate the pains and forfeitures with which the neglect of military service was visited by the existing laws; and, with a fair show of equity and moderation, he charged the council with the task of correcting the defects of the Gothic laws. The revision took place; but the alterations thus made were considered after the death of Ervigius as ill-advised; and the decrees which he and the council had repealed, were restored by the orders of FLAVIUS EGICA, under whose reign the code underwent its last revision. He directed them to retain those laws only which had been in force 'from the reign of King Chindasvinto to the reign of King Bamba'—thus excluding all the laws of Ervigius, at the same time that he evaded passing a direct censure on his memory. We hasten to the conclusion of this tedious outline of the history of the Gothic code. The laws of WITIZA,* who allowed the priests as many concubines as they could afford to keep, are said to have been effaced by the piety of later kings; and a few laws, attributed to RODRIGO, the last of the Goths,‖ were, if Morales be accurate, inserted under the proper heads in the code of Egica.

From these repeated revisions resulted the digest of Visigothic law, now existing in two texts, viz. the '*Leges Wisigothorum*,' published by Lindenbrogius, and repeated by other editors; and the Spanish translation, known by the name of the

§ Fuero Juzgo, Lib. 2. Tit. 1. Leg. 8. In the Latin text, Lib. 2. Tit. 1. c. 9. this law is given, not to Recesvinto, but to Chindasvinto. Internal evidence supports the reading of the Fuero Juzgo, which we have followed.

† A. D. 672–80. ‡ A. D. 681.
* A. D. 701–11. ‖ A. D. 711–16.

'*Fuero Juzgo.*' It is a methodical code, divided into twelve books, which again are subdivided into titles, each containing several laws. In the Latin text, the rubric 'antiqua' is prefixed to a great proportion of these laws. A second class consists of those noted as 'newly amended;' and sometimes the initials of the king, under whose name the emendation took place, are added. To others is prefixed the abbreviated name of the king in whose reign they were enacted.

Great antiquity must be assigned to the Spanish version, though its era is uncertain. Alfonso de Villadiego assumed, that it was made in the 4th Council of Toledo, or at least under the Gothic kings. Don Joseph Pellicer quotes it as a proof, that the Castilian was the ancient primitive language of Spain,—being one of the seventy two languages which arose out of the confusion at Babel. A law of Recesvinto, ‡ in which he directs the employment of an authenticated *transcript* of the law, has been misinterpreted, to sanction these reveries. More critical writers, Asso, and Manuel, and Llorente, consider it as a translation made by order of Saint Ferdinand in 1235, for the use of the city of Cordova. The Gallician dialect was the most ancient '*romance*' of Spain; and though Alfonso de Villadiego was a careless editor and his MS. perhaps modernized, yet the language of the Fuero Juzgo still exhibits strong traces of the dialect of the Gallegos. The existence of earlier translations is affirmed by writers of credit. The Conde de Campomanes quotes a MS. of the 12th century in his possession, containing a Spanish translation of the Visigothic law. It was conjectured by Sotelo, that a translation was made for the use of the Judges of Castile, Layn Calvo and Nuño Rasura; and that, from the use they made of the Gothic law, it acquired the name of Liber Judicum, afterwards corrupted into Libro Juzgo. Whensoever the version may have been made, the translator certainly did not take the common Latin text of the Leges Wisigothorum as his original. The Fuero Juzgo contains much which is not to be found in the latter; and there are occasional variations in the order of the laws, as well as in their sense. An important difference between the two codes has been overlooked by the writers who have treated on them. In the Fuero Juzgo, the twelve books of civil and criminal laws are preceded by the remarkable 'exordium,' containing a selection of laws or canons, enacted in different councils of Toledo, * which regulate the mode of elect-

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‡ L. W. Lib. 2. tit. 1. c. 10. Defendemos que non presente al [illegible] otro libro de leyes si non este nuestro, ò otro *traslado* segun este. F. J. Lib. 2. tit. 1. L. 9.

* From the fourth council to the seventeenth.

ing the king by the bishops and magnates of the palace, and the people, define his duties, and denounce the penalties of high treason,—being in fact the constitutional laws of the Gothic monarchy. This exordium is wanting in the 'Leges Wisigothorum.' And this circumstance, therefore, inclines us to conjecture, that the MS. from which the latter were printed was not the genuine *Spanish* code, but that it was intended for the use of the Visigoths who fled to France. These fugitives, as we have already noticed, retained their Gothic laws; but, as they could not need the collection relating to the rights of the Gothic kings, it is probable that it would be omitted by their transcribers.

Ambrosio de Morales saw an 'exceedingly ancient' MS. in the Cathedral Library at Toledo, in which, after each Latin law, the *same* law followed in Castilian. If this Castilian version was the same as now appears in the printed Fuero Juzgo, the Latin code was that which we suppose to have been the authentic text in use in Spain. When Sotelo visited the Cathedral Library, the MS. had disappeared: he, therefore, accuses Morales of having given a mistaken account of some other MS.: But Ambrosio, the Tom Hearne of Spain, was not likely to blunder in these matters.* New and correct editions both of the Latin code and of the Fuero Juzgo would have been given by the Spanish Academicians, if their labours had not been interrupted by the invasion of the French.

The share which each of the Gothic kings, from Euric to Rodrigo, had in the code, as it now exists, cannot be satisfactorily ascertained. The learned have enjoyed their usual amusement; commentator shakes his head at commentator, and more doubts are raised by them than can be easily satisfied. A conspicuous place is held by the decrees of Recesvinto; and in his reign the code appears to have taken its present form. One solitary manuscript ascribes to Ervigius, the decree which we have quoted as of Recesvinto. And on this authority only, Marina has thought fit to differ from every other writer who has treated on this subject, and to suppose that the digest of Ervigius is preserved in the Fuero Juzgo, though all the chronicles of Spain proclaim him as the corrupter of the laws.

The ancient and unentitled laws were attributed by Villadiego, to Euric or Leovigild, to Sisenando or Saint Isidore.

* Whilst this Article is passing through the press, we learn, that the Spanish Academicians have completed their edition; a copy whereof, and probably the only one which has travelled out of Spain, has been transmitted by them to M. Raynouard, the learned and estimable Secretary of the French Institute. Unfortunately we have not had an opportunity of making use of this publication

Isidore presided at the 4th Council of Toledo; and although the supposition is unconfirmed by historical evidence, it is not wholly improbable but that the national code of the Goths may owe its origin to the diligence of the Metropolitan of Seville. Those who ascribe the compilation to Isidore, are supported in the conjecture, by observing that there are portions of the Gothic law which are given in his words. And to the chapter on the degrees of affinity (Lib. iv. Tit. 1.), the name of Isidore is prefixed in the decretals of Gratian, where it is also inserted. A deep knowledge, both of the Gothic and the Roman laws, was required by the compiler of the code; and none could have been better qualified for the task than Isidore, the first historian of the Visigoths. Accident often fans the latent spark of genius into flame; and the fame of Isidore is referred to an accident, which may have been invented to account for it. When a schoolboy, he was very idle, played truant, and ran away into the fields. After wandering about, he became weary and thirsty, and stopped at a well. The stone round the brink of the well was hollowed into grooves and channels. They excited the curiosity of the boy; and the good woman who was drawing water, explained the cause of this appearance;—the stone was channelled by the constant rubbing of the bucket-rope. The future bishop then bethought himself, that if the hard rock could thus be worn through by the soft and yielding substance, surely his own dulness might give way to application and industry; and thus pondering, he returned to his home—and instantly passed into a new life and being. The studies over which he had slumbered in weariness, now afforded nought but delight; and he prosecuted them with such energy, that he became the most learned man of his age and country. In the rich monastery of St Isidore, at Seville, a fragment of the well stone may yet be seen by the curious pilgrim. We shall not require our readers to swear by the relic; but even those who hesitate to receive the legend as perfect truth, will admit the ingenuity of the fable. Isidore's compositions bear witness to his extensive learning. Comments on the scripture, and refutations of heretical doctrines, were perhaps to be expected from a primate of the Spanish church. But his chief work is the result of years of the most varied study. The critic may smile at some of his fanciful etymologies; yet no ordinary capacity could have planned and executed such a comprehensive Encyclopædia, embracing all that was known in theology, and history, and science, and general literature.

There is no nation in Europe whose early history is so unsatisfactory as that of the Visigoths.—Even the Hungarians have more copious chroniclers. Without doubt, many historical mo-

numents must have perished in the general wreck. The Visi-gothic Hagiology, a valuable though neglected depository of materials for the history of the middle ages, is comparatively scanty. No Gregory or Bede arose during the tumultuous conflicts in which the Goths were engaged, in the earlier periods of the reviving monarchy; and, when they had leisure for the cultivation of literature, tradition had faded away. A dark and barbarous colouring is given to the annals of the Visigoths by the ecclesiastics, who are our sole historical guides. In their concise and jejune chronicles, we meet with nothing but battles, miracles, and murders. More information respecting the state of society amongst the Visigoths, may be gained from their laws, which cast a transient gleam of light on the manners and morals of the people to whom this body of jurisprudence was adapted.

From the great care which the Gothic kings bestowed upon the revision of their code, it is evident that courts of justice had attained that importance which belongs to them only amongst a rich and settled, and perhaps an unwarlike people. Until the reign of Charlemaine, the Franks needed no other law than that which Clovis had brought from the Salic land; whilst, amongst the Visigoths, each generation required a revision of the former law;—so rapid were the changes which were taking place in society. With the Romanized inhabitants of Spain, the Goths were fast amalgamating; nor do we discover, in their laws, any indication of the haughty contempt in which the tributary Roman was held by the Frank or the Lombard. His life or limb was not valued by the Gothic legislator with degrading inferiority. Both Goth and Roman were equally called to the defence of their country; and the prejudices which once prevented the conquerors and the conquered from uniting in the holiest and softest bond, no longer existed. Recesvinto 'anxious for the welfare of his people,' gave a legal sanction to the intermarriages of the Goths and the Romans; and, expressing his sentiments in language equally honourable and conciliatory to both nations, he declared that he was repealing an ancient law, which kept those asunder, who were equal in *dignity* and in lineage.

Thus far we hail the progress of social order and humanity; but the pages which attest the increasing civilization of the Visigoths, disclose, at the same time, the cruelty and profligacy which disgraced them. The precious metal was debased; and even adversity did not consume its impure alloy. We would speak with respect of the failings of the Spaniards; for, amongst them, the good principle has strongly wrestled with the evil one:—But their Royal banner is drenched in tears and gore; and the sins which have so deeply stained the Spanish nation, are common

to them and their Visigothic ancestors. Amidst the revolutions of empires, national character seems endued with unconquerable vitality, and retains to the last its original peculiarities. The lessons acquired by the infant commonwealth are seldom unlearned in prosperity, or in decay. Nations acquire habits as well as men; and it is thus that both are formed to vice or virtue.

When the Visigothic monarchy arose again, its moral deformities manifested themselves afresh.—Bitter fruit had loaded the parent tree; and bitter fruit was produced by the scion when it came to bearing age. The same bigotry which afterwards kindled the hellish fires of the Inquisition, and the cruelty which devoured the inhabitants of America, dictated the inhuman and persecuting edicts of Sisenando, and of Recesvinto, and of Sisebuto.* A tone of unvaried harshness pervades the Gothic code, betraying the temper of the legislator, as well as the sins of his people. No proportion is observable between crime and punishment. Slavery, and the scourge, are denounced for the most unequal offences; and slavery, amongst the Visigoths, existed in all its unmitigated horrors. In the seventh council of Toledo, the king is exhorted by the fathers to reign in mercy. Recesvinto prohibits his successors from indulging in the luxury of forgiveness.† If the king, in his *pity*, chose to spare the life of the state criminal, Recesvinto declares, that the eyes of the pardoned traitor were to be dug out, and the hair and skin to be torn from his forehead, and he was to receive an hundred stripes, and be a slave as long as he lived, so that he might linger out his existence in wretchedness and pain.‡ A free woman, who became a harlot, was, after the third conviction, to receive three hundred stripes, being one hundred more than were inflicted for any other offence; and she was to be given, as a slave, to some poor caitiff (algun mezquino), in order that her loss of liberty might be attended with greater misery. This provision exhibits an odious refinement of cruelty. However humiliating to human nature the fact may be, it is too certain, that the poor man always crushes his dependants: he thinks he can only assert his superiority by brutality: he fears that kindness will make the menial equal to the master. Heavier still were the punishments which awaited the unchaste, if already in a state of servitude; she was also to receive three hundred lashes, and the skin and hair were to be torn from her forehead. Even the ministers of justice, it was

* The whole of the last book of the Latin text is composed of laws enacted by these princes against Jews and heretics.

† F. J. lib. 2. tit. 4. l. 6.—L. W. lib. 2. tit. 1. l. 7.

‡ F. J. lib. 3. tit. 4. l. 17.

feared, would recoil from the infliction of such punishments; and Recesvinto therefore enacts, that the judge who does not fulfil the decree, is himself to receive an hundred lashes, and to forfeit thirty 'sueldos.' Whenever the lawgiver rages for the preservation of good morals, forgetting that charity is his first duty, his heart is rotten to the core. The greatest corruption of manners is also indicated by the savage laws against adultery. The adulterer was put in the power of the husband; —and the woman seduced by a married man, was delivered to the offended *wife*, in order that she might glut her jealousy.— Such were the Goths. The lust of Rodrigo brought down the punishment which awaited the transgressions of the nation; and the Visigothic lion fell beneath the avenging sabre of the Saracen invader.

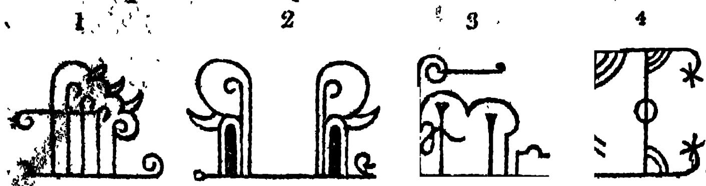
By the Civilians, the Gothic code has been praised for its affinity to the Civil law. Cujacius has exaggerated this affinity. A writer of deserved reputation has passed into the contrary extreme.* 'Towards the close of the 6th century,' he tells us, 'when the Saxons were masters of the most fertile provinces of Britain, the Franks of Gaul, the Huns of Pannonia, the Goths of Spain, and the Goths and Lombards of Italy, and the adjacent provinces,'—'very few vestiges of the Roman policy, jurisprudence, arts and literature, remained; new forms of government, new laws, new manners, new dresses, new languages, and new names of men and countries, were everywhere introduced.' Robertson has erred in this general view. Expressions which are not inaccurate when employed in describing the state of Britain, or Pannonia, do not convey a just idea of Gaul or Italy, and still less of Spain.

The invaders were thinly scattered amongst the original population. Difference of language did not long continue to estrange the Visigoths from the ancient inhabitants of the country. If it be desirable that nations should retain their national character, unchanged by foreign intercourse, the builders of the Tower of Babel deserve the blessings of mankind for producing the confusion of tongues. Neither the deepest river, nor the highest mountain, can separate nation from nation so effectually as a strange language. Nay, even a slight diversity in idiom, an accent or a tone, will constitute an almost impassable barrier. This barrier disappeared. So completely was the language of the Visigoths banished by the *Romance*, that it has scarcely left a vestige, except the names preserved in history, and certain titles of office and honour. The termination of the names of Chintila, Favila, and the like, is Mæsogothic, and approaches to a termination

* Robertson—History of Charles the Vth.—State of Europe, Sec. I.

which frequently occurs in the dialect of the German Switzers, the neighbours of the German Suevi. Other of their names are nearer to the Icelandic, or Norsk. Let the ancient language of the Goths have been what it may, it was disused by them at a very early period of their history. It has been supposed, but most erroneously, that the Spaniards retained the Mæsogothic characters of Ulphila till the celebrated council of Leon, when, as we are told by Alonso, 'the scribes were ordered to disuse the Toledan mode of writing, invented by *Don Golfidas*, the famous bishop of the Goths,' and to adopt the French alphabet. Not a tittle, however, of the penmanship of Don Golfidas ever existed in Spain; and there is reason to suppose that it never was used elsewhere, but in the copies of his translation of the Gospel.* The very difficult handwriting in which the an-

* In their inscriptions, and in the rubrics of the books, the Spanish Goths, like the Romans of the Lower empire, were fond of using combined capitals—of *monogrammatizing*. This mode of writing is now common in Spain, on the sign-boards and on the shop-fronts, where it has retained its place in defiance of the canons of the Council. The Goths, however, retained a truly *Gothic* custom in their writings. The Spanish Goth sometimes subscribed his name; or he drew a *monogram* like the Roman Emperors, or the sign of the *cross* like the Saxon; but not unfrequently he affixed strange and fanciful marks to the deed or charter, bearing a close resemblance to the Runic or magical knots of which so many have been engraved by Peringskiold, and other Northern antiquarians. Description cannot convey an idea of such arbitrary signs. We therefore copy the following (see below.) The first is the mark of Gundisalvo Tellez, affixed to a charter, dated in the year of the era 840. The second was used by the Abbot Ovecus, and Peter his nephew, in the year of the era 886, King Ramiro reigning in Oviedo, and Fernan Gonzales in Castile. The third was affixed by Didaco Ordoniz, Roderico Ordoniz, Tarasia Ordoniz, and Argilo Ordoniz, to a charter of donation executed in the era 1018. These are all Visigothic. The fourth, a Runic cipher, which may be compared with them, is given by the learned Swede in his Annotations upon the Life of Theodoric; and it is taken, with others, from ar ancient Icelandic manuscript. Father Andres Marina supposes that these marks were *printed* or stamped. The clause with which the deeds



cient Spanish MSS. are written, and which Aldrete, who gives a specimen of it, calls Gothic, is the same with what is sometimes called Lombardic, appellations conveying loose and incorrect ideas. Maffei was in possession of a deed, written in this character, in the year 444, before the Gothic invasion. It was the notarial hand of the ancient Romans, without any thing of Gothic in it, but the name. Neither in reading, or in writing, did the Gothic Spaniards owe ought to Ulfila; their language was broken Latin. All grammar was lost; yet it was essentially Latin, notwithstanding its barbarisms and solecisms; and, perhaps, it scarcely differed from the language which the Spanish people spoke in the days of Augustus. The wit, who said the Spanish was such Latin as he should have expected to have heard from a Roman slave, sulky from the bastinado, came a great deal nearer to the truth than he imagined. If the famous letter of St Jago had been written in such *Romance* as is employed in the charter granted to the town of Oviedo by the Emperor Alfonso, we might have been half inclined to believe that it was penned by the Apostle. For one word that is clearly of Teutonic origin, in the Romance of Spain, there are ten in the *Volgare* of Italy, and an hundred in the *langue Romane* of Gaul.

Thus Romanized in language and in manners, the Visigoths soon became familiar with the civil laws. Euric held his court at Arles, in Narbonensic Gaul, a province where the jurisprudence of Rome was fully established; and the subtle ingenuity of the Forum was blended with the simple equity of the Gothic *Althing*, by the counsellors of the first legislator of the Visigoths. It is true, that Recesvinto had prohibited the judicial employment of the Roman law. But in his address to the council of Toledo, he adopted the words of Justinian's instructions to Tribonian and his associates; and the Fuero Juzgo has bor-

end, 'manu propria signum *impressi*,' is perhaps of ambiguous import; but he might have added several strong facts in support of his opinion. Twenty-seven years after the date of the first charter of Gundisalvo Tellez, his widow Flamula granted the town of Pedrenales to the abbot and monks of Cardeña, for the good of Gundisalvo's soul; and the 'sign' which she made 'with her own hand,' is the same as that which was made by Gundisalvo. This certainly shows that she inherited the stamp which he had used in his lifetime. The four children of Ordoño all use one 'sign,' which was probably that of their father or family. One 'sign' is used by Ovecus the uncle, and Peter the nephew. It was therefore a stamp which each one affixed. It has been thought, that the silver letters of the Gospels of Ulfila were stamped or printed upon the purple parchment by moveable types or tools. Did Fust and Guttenberg only revive the art of their Gothic ancestors?

rowed much in matter, and more in manner, from those 'foreign laws,' which he recommended to the private study of the advocate. The Gothic kings were jealous of the political authority of the emperors, not distrustful of the wisdom of their laws. They were willing to profit by the learning of the Roman law, whilst they attentively guarded against such an acceptance of its doctrines, as might have been construed into a tacit acknowledgement of the Imperial authority: And although the constitutions and rescripts of the emperors, and the institutions and sentences of Caius and Papinian, and Paulus and Ulpian, were corrected or deformed by the boldness and ignorance of the Barbarian legislators whom Alaric had assembled; yet the law of Gothic Gaul was Roman, and it could scarcely fail to affect the maxims and practice of the tribunals of the same monarchy beyond the mountains.

Other causes assisted to extend the sphere of Roman jurisprudence. It gained ground by each revision of the Visigothic code in the Visigothic councils. It was the deep policy of the Roman Bishops, long before they had confirmed their usurped authority over the other churches of the West, to teach the priesthood to consider Italy as their country, the eternal city as their home. Every member of the hierarchy lived under the civil law; and the persons and property of the clergy were exempted from the Barbaric laws of the State, and judged exclusively by the code which the spiritual empire had adopted. Amongst the prelates who sat in the Visigothic councils, many were Spaniards of Roman kindred, others were foreigners to the Goths in birth-place as well as in blood; all were aliens by education. The business of legislation devolved upon those who predominated in number, whose functions enforced respect, and whose learning brought conviction. The wealth of the Goths now consisted no longer of flocks and herds. New regulations were required to protect them in the enjoyment of their property, and to regulate its acquisition and transmission. Law had become a science;—the action was to be prosecuted according to form and rule;—cases arose, to which the old 'unwritten customs' could no longer apply; and when the council, in obedience to the orders of the monarch, deliberated on the law, they would 'supply the deficiencies' from the wisdom of Justinian or Theodosius, and in 'correcting its superfluities,' many antique usages, taught by the 'All-wise One,' and to which the Goths adhered with religious veneration, as long as they met in tumultuous freedom on the hill of judgment, and under the lowering sky, appeared absurd or iniquitous to the pious Fathers of the council assembled in the splendid choir of Toledo.

The code of a rich and powerful nation enabled them to fill up

the meagre outline, and to connect the scattered portions of the old unwritten law into a regular system. Method, order and science, were given to the Gothic customs by those who had studied in the pages of the Digest. When the King issued a decree, his scribes and chancellors couched it in the language of an Imperial rescript. The Gothic warrior was wrapped in the Roman toga. The reader, who compares the Visigothic code with the other barbarian laws, will instantly perceive the efforts made by the Gothic lawyers to assimilate themselves in language, and consequently in feeling, to the Roman jurists. Neither the Burgundian nor the Frank, nor the Lombard, would dispense with those *words of art*, of Teutonic origin, expressing ideas for which no strict equivalent can be found in classical Latin. They write in *law-Latin*, concise, technical and barbarous. The latinity of the Gothic laws is florid—sometimes eloquent. It may be deficient in purity; yet all barbaric roots are studiously avoided. Civil rights are defined in the language of the Roman jurists; and the Teutonic fines and penalties of the criminal are designated by expressions which divest them in appearance of their barbaric character. As a specimen, we give the following,—an 'ancient' law, perhaps, of the age of Sisenando.

'Qui filium aut filiam alicujus ingenui vel ingenuæ plagiaverit, aut sollicitaverit, et in populos nostros, vel in alias regiones transferri fecerit, hujus sceleris auctor, patri aut matri, fratribusque si fuerint, sive proximis parentibus in potestate tradatur, ut illi occidendi aut vendendi eum habeant postestatem.—Aut si voluerint, *compositionem homicidii* ab ipso plagiatore consequantur, id est solidos quingentos; quia parentibus venditi aut plagiati non levius esse potest, quam si homicidium fuisset admissum.—Quod si eum ex peregrinis ad propriam regionem potuerit revocare plagiator, CCL solidos, hoc est medietatem homicidii exsolvat: Aut si non habuerit unde componat ipse subjaceat servituti.'—*Leg. Wisigoth. l.* 7, *tit.* 3, *c.* 3.

Its verbosity forms a strong contrast to the brevity of the analogous statute of the Lombard Luitprand.

'Si quis liberum hominem foris provinciam vendiderit, et probatum fuerit, componat *widrigilt* ejus, tanquam si eum occidisset.'—*Leg. Longob. lib.* 2, *tit.* 25, *c.* 2.

Here it is seen that the Gothic law expresses the Teutonic *widrigilt*, or the blood-fine, by a circumlocution. The Lombard begins his enactment with stiff and formal 'Si quis;' and compresses it in two lines.—On the contrary, the Gothic legislator seeks to give his law an elegant turn; and he is minute and special, and inveighs against the crime. But the object of both laws is exactly the same; and of both, the original was perhaps the same Teutonic *law verse*.

Although the jurisprudence of the Goths was modified and af-

fected by the civil law, yet it asserted its independence, and in the main it retained its pristine structure. Partially adopted, and by the will of the legislature, the civil law continued subservient to the Barbaric customs with which it was incorporated; and we have seen, that, except in the form under which it had been so sanctioned, the judge could not allow it to be quoted. Many portions of the civil law have been received into the English common law nearly by the same means; and, without appealing to the Pandects, the English courts receive their regulations for successions *ab intestato*, through the medium of the statute of distributions. The criminal law of the Visigoths remained truer to its Teutonic origin. Blows and wounds were compensated by a fixed and apparently inadequate fine; and the murderer, except in one or two aggravated cases, could equally make his peace with money.

We have spoken hitherto only of what may be considered as the statute laws of the Visigoths; but it must not be supposed that the whole body of their law appears in the twelve books of the Visigothic code. They had their common or traditionary law, still existing in 'unwritten usages and customs,' as well as their written law; and we are supported by analogy in asserting, that this common law often spoke, when the statute law was silent. It outlived the monarchy; and we now collect it from the '*Fueros*' or ancient customs of Castile and Leon. The customs in question are preserved in the charters of the towns which gave by-laws to the inhabitants, confirming the unwritten common law of the country, sometimes with greater or lesser modifications in the detail, but agreeing in general principles.* We equally discover them in the acts of Cortes, which, to borrow the expression of Sir Edward Coke, are often 'affirmances of the common law.' The traditionary Fueros of Castile also formed the basis of the 'Fuero Viejo de Castiella,' which received its last revision under Peter the Third.† And even Alonso the Wise, though he planned the subversion of the ancient jurisprudence of his kingdom, admitted into the Partidas such of those 'fueros de España' as relate to the tenures of land, and to military service.

Consisting of ancient usages, neither refined by the learning of the councils, nor restrained by the power of the kings, the Fueros of Castile and Leon bear a nearer affinity to the jurisprudence of the Teutonic nations than the written code. Nor must it be forgotten that the Suevi who peopled Gallicia, and

* Mr Hallam's classical work may be consulted, for a sketch of the history of the usurpation of the Spanish towns.—'*Europe during the Middle Ages*,' Vol. 2. p. 397.

† A. D. 1340.

great part of the country which afterwards constituted Old Castile, continued independent of the Visigoths, till the usurper Andica was subdued by Leovigild; and it may be doubted whether such an incorporation of the two nations then took place as to deprive the Suevi of their ancient customs; and these probably became blended with the traditionary Gothic common law. No law or decree of council, from which the *jus retractus* could arise, is extant; but this mischievous restriction, so consonant to the Teutonic respect for real property, prevailed universally in Castile; and the right of the next heir was barred in the market-place of Baeza, by nearly the same formalities as were employed in the shire court of Drontheim. In the Code, the water ordeal is noticed only once, in a law 'newly amended' by Flavius Egica. † But ordeal by compurgation, the most ancient form of trial by jury, and the battle ordeal, do not appear at all. Neither do we find any notice of the custom of *returning* military leaders by the *verdict of a jury*. All these customs, however, were Fueros of Spain in the middle ages. Nor could they possibly have then existed, had they not been preserved by immemorial usage and tradition.

Of these relics of ancient polity, none are more remarkable than those which relate to the nomination of the officers of the Spanish armies.

A king of the ancient Germans could only be raised to supreme authority from a royal line; but the commander of the host was chosen solely for his valour. * The free and warlike elections of the Germans in the days of Tacitus, continued to be the privilege of the Spanish soldiery even in the reign of Alonso. So discordant to the constitution and prejudices of feudal Europe, this custom is a singular vestige of the most remote antiquity, and seems to have been retained by the Spaniards alone. Only faint and vanishing traces of elective chieftainship can be discerned in other parts of Europe. When military tenures of land, even in their simplest state, were adopted by the Teutonic nations, the franchise necessarily fell into disuse. As long as they warred only for plunder, the leader was but the first amongst his peers during the foray; exciting their valour by his example, not urging them on by his authority. The lot divided the harvest of the sword. The meed of the soldier did not make him dependent on his general. Each had helped to conquer the booty of the camp, or the spoil of the city; and whilst the field was

† L. W. l. 6, t. 1, l. 3.

* Reges ex nobilitate, duces ex virtute sumunt. Tac. de Mor. Germ. c. 7.

still reeking, and the flames yet playing amidst the ruins, each freebooter huddled up his gold, or drove away the kine, or bound the captive beauty, still shrinking from his grasp. But he took his winnings as the well earned wages of the day of slaughter; not as the price of his dependence on the captain of the horde, whom his own voice had elevated to a dignity which was bestowed by all for the common good of all. At length they rooted themselves in the soil, and the land itself rewarded the soldier's prowess; the subject of a monarchy lost the liberties of the marauder, and a permanent reward brought along with it a long subjection. The lord of the villain became himself a vassal. A yearly crop arose from the field as the salary of the oft recurring campaign. Valour, the soldier's virtue, no longer enabled him to aspire to military authority. Some were born to command, and others to obedience. The king enforced the service of the Baron. The Valvassor was bound to follow the banner which waved on the dungeon tower of the castle; and every one in his degree accompanied his superior to the field; no longer the leader whom he followed from affection and choice, but the liege lord beneath whom he fought in servitude and fealty.

History does not record the early mode of electing the Teutonic captains. But it is clear that these elections took place in the popular meetings in which the Germanic nations exercised their autonomy. † The laws of Edward the Confessor show, that the Heretoch was chosen by the people of the shire, in full folkmote assembled. * The military Dukes or Heretochs of the Bavarians were originally chosen by the people of each district; but, when the 'Lex Baiuvariorum' was compiled, the Emperor had acquired the right of naming the Heretoch, whose authority was declared to be the same with that of the elected Heretochs; and it is probable that the people had lost their right. From this source, descending low indeed in the scale of authority, we derive the choice of our *constables* in the hundred court or the wapentake. That the constable, by whatever name he was first truly called, was a military officer in his origin, is indubitable. He may have been conservator of the peace in the time of Alfred; yet surely it was by force of arms, and by laying the staff of his brown bill about the head of the unruly Saxon. The statute of Winton, which gave the chief constable the view of armour, proves that he was cognsiant of similar mat-

† Lex Baiuvariorum, tit. 2. The Duke of the Bavarian nation was elected from the family of the Agilopingi; but he must be distinguished from the Dukes or Heretochs of the provinces or shires.

* Leges Edovardi. p. 208.

ters before its enactment. New duties imposed on old officers are always analogous to such as they have been accustomed to perform.

It is not known in what manner the Scandinavian nations chose their military leaders, but there is a remarkable uniformity in all their customs; and we may be allowed to conjecture, that the War-king was invested with his office by proceedings similar to those which afterwards placed the Folk-king on the throne. When the royal authority became permanent, the chief of the State was the head of the army; and their civil and military policy coalesced and corresponded. Now it appears, that if the throne of Norway was forfeited or vacant, a new King was *returned* by the verdicts of the juries of the shires.‡ Twelve of the wisest men were chosen from each province, who swore that they would name him who was most deserving of the dignity. Such was declared to be the law of Norway, in the laws collected by Haco, the foster son of Athelstan, who gathered together the ancient customs of his people from the mouths of the hereditary deemsters, and afterwards revised by Olave, the hallowed king. And, in deference to this, the ancient privilege of the Northmen, Prester-Swerre the usurper obtained a confirmation of his title from the twelve men of each shire, who, according to the Abbot of Thingöre, 'adjudged the name of king to him.' In every branch of the polity and jurisprudence of the Gothic nations, we observe the veneration in which the decisions or determinations of TWELVE men were held. We have lost the intermediate links of the chain; but when the constable is returned in the court leet of an English manor, by the oaths of the leet jury, it is certain that this humble though ancient constitutional officer derives his annual reign from the voices of such a band as, in days of old, placed the monarch of Norway on the throne. As to the ancient elections in the hundred courts and wapentakes, great uncertainty prevails respecting them; yet there is reason to suppose, that in many instances the chief constable was not chosen by the body of the suitors, but returned by a jury.

So much for the North. But we must now flit again to the sultry realm of Spain, where we shall find our old Gothic juries employed in electing the chief officers of the army and navy of the Castilians, the *Adalid*, the *Almocaden*, the *Alfaqueque*, and

‡ Gule Tings Lov. B. 1. c. 1. 'Om Kongens Udvalgelse.' In the last revision of this code by King Magnus Lagabætur, the chapter in question is omitted.

the *Comitre;* * whose qualifications were ascertained by a jury of twelve wise men, and whose promotion was consequent upon the verdict. The Castilians probably did not suspect that, in this ceremonial, they were imitating the solemn sessions of the Asi.

Who was to be the Adalid? The question must be answered in the words of the wise King Alonso. He has given us a portrait of the ancient Castilian army, in all the brilliant tints of ancient chivalry. † It was said by the wise ancients that 'the *Adalid* should 'be endowed with four gifts—the first is wisdom, the second is 'heart, the third is good common sense, and the fourth is loyalty.' ‡ 'And when a king or any other great lord wishes to 'make an Adalid, he must call unto himself *twelve of the wisest* 'Adalides that can be found, and these must *swear* that they will '*truly say*, if he whom they wish to choose to be an Adalid, hath 'the four gifts of which we have spoken: And if they answer 'yea, then they are to make him an Adalid.' Here we have clearly an inquest by twelve men giving their verdict upon oath. If it happened that twelve Adalides could not be found, then a kind of *tales de circumstantibus* was added to this special jury of Adalides. The king or lord was to make up the full number of twelve, 'with other men well areed in war and deeds of arms;' and their verdict was as good as if they had been all Adalides. And he who dared to act as an Adalid without having been lawfully elected, was to suffer death. 'It was advised in ancient times,' says Alonso, 'that they were to have the qualities beforementioned, because it was necessary that they should possess them, in order to be able to guide the troops and armies in time of war, and therefore they were called *Adalides,* which is equivalent to *guides,* (que quiere tanto decir como guiadores.' §)

If Alonso be right in his interpretation, an etymology may be found, without much violence, in the Norsk, and the name may be derived from *Adall,* noble, and *leida,* to lead, a denomination well adapted to the rank with which they were invested. The Adalid was the guide, *i. e.* the *dux,* the leader, the gene-

* Two, or perhaps three, of these officers bear Arabic names; but we must not therefore suppose that the Spaniards took the offices themselves from the Moors. The Arabic language was so much in fashion, that the old Gothic officers obtained Moorish appellations. The Judex and the Sayon became the Alcalde and the Alguazil.

† Partida 2. tit. xxii. l. 1. ‡ P. 2. tit. xxii. l. 2.

§ Nine MSS. of the Partidas read '*guiadores.*' The text adopted by the Academy, in their late edition, has '*guardadores,*' which does not agree with the general context.

ral † of the Almogavar troopers; his duties are detailed at great length in the Partidas. Alonso had seen and could well estimate the services rendered to his father at the beleaguering of Seville by the doughty Adalides, Domingo Muñoz, and Pedro Blasquez, and Diego Martinez, and Lope Garcia de Cordova. The important command of the Almogavares, a numerous, and certainly the most efficient portion of the Castilian cavalry, devolved upon the Adalid; and all his four gifts were constantly called into action.

The Adalid Mayor was commander-in-chief or field-marshal of all the Almogavares; and all the Adalides were, of course, subordinate to him. Domingo Muñoz, the conqueror of Cordova, Alcaydé of Anduxar, and the first Alguazil Mayor of Seville, ·ld this command under Saint Ferdinand:—Peace be to him; ·uried under a costly tomb, adorned with his devices and bearings, in the chapel of St. Bartholomew, in the great church of Seville. It was called the chapel of the Adalides; for it was richly endowed by Domingo for himself and his inferior Adalides, 'as appears by the white book of endowments' kept in the chapter house of Seville.* The singular ceremonies with which the office was conferred upon the Adalid, are evidence of the high honours which he had, and the power which he exercised. The king was to bestow upon him rich garments, and a sword and a horse, and ‡ arms of *wood and iron*, according to the custom of the country. By a rico-home, a lord of knights, the sword was to be girt, and then a shield was placed upon the ground; the future Adalid stept upon it, and the king drew the sword out of its scabbard, and put it naked in his hand.—And now as many of the twelve Adalides as can assemble round the

† We *insist* on the dignity of the Adalid, because a writer of very high authority seems to have considered him merely as the guide of the soldiers, and not as their commander.

* Part. II. tit. 22, l. 3.

‡ *Armas de fuste et de fierro.*—Various interpretations of this obscure phrase have been suggested, and it therefore requires a note. We think the 'wood' refers solely to the shield. Alonso thus requires the knights to have cunning in armour. 'Et en las armaduras deben otrosi haber sabidoria en tres maneras; la primera si es bueno el fierro, ó el fuste, ó el cuero.'—Part. II. tit. 21, l. 10. The same phrase occurs very frequently in the charters of the towns both in Latin and in Romance.—Mr Southey's doubts respecting its translation, (Chronicle of the Cid. 419–20), may be removed by the following extract from the charter of Naxera.—'Debent Infanciones de Nagara ponere unum militem qui teneat ancepedam ubi homines de Nagara necese habuerint, cum caballo et omnibus armis *ligneis et ferreis.*'

shield, grasp its edge, and lift him up as high as they may, and they turn his face towards the east.—'In the name of God—exclaims the Adalid—I defy all the enemies of the faith, and of my Lord the King, and of his land.'—And, thus speaking, he lifted up his arm, and struck a stroke downward, and he then struck another stroke across, thus decribing in the air the 'sweet and holy sign' of redemption; and he repeated this challenge four times towards each of the quarters of the world. Thus lifted on the shield were the Kings themselves of the Goths and Franks inaugurated. The challenge resembles the defiance of the enemies of Hungary, hurled forth by the King on his coronation day. Then the Adalid sheathed his sword, and the King placed a pennon in his hand, saying—'*I grant unto thee that henceforward thou art to be an Adalid.*'—'And the Adalid who had thus been made with honour, had power to captain it over knights and honourable men, by *word*, and over the Almogavares and Peones by *deed*, § striking them and chastising them in such guise that they might neither do harm nor come to harm.'—Certes the whole duty of a captain cannot be better defined.—'Chosen for his virtue,' as Tacitus would have said, the Adalid became equal to the noblest—he bore a device, and sat at board with the knights; 'and he who scandalized the Adalid, was to be mulcted as though he had scandalized a knight;' and this was for 'the honour of the king.' An Adalid might have risen to command from the lowest rank in the Castilian army. He might have been a peon or foot soldier, but he became the fellow and companion of the hereditary nobles, the Lord of vassals, and the Rico-home. Many a noble Spanish family can show an Adalid at the head of its pedigree. Pedro Blazquez, surnamed the White, was the ancestor of the house of Davila,—Lope Garcia de Cordova of that of Saavedra.

We cannot ascertain when the Adalides are first mentioned, at least under this name, in Spanish history. King Ramiro of Leon, according to the old ballad, receives his 'Adalides' at his morning meal, on their return from their perilous exploration of the camp of Palomares.

Ya se assienta el Rey Ramiro
Ya se assienta a sus yantares,
Los tres de sus Adalides
Se le pararon delante.

Al uno llaman Armiño,
Al otro llaman Galvane,

§ Castigandolos que non vayan a logar nin en manera que fagan daño nin lo reciban.

Al otro Tello, luzero,
Que los Adalides trae.

Mantenga os Dios Señor—
Adalides—bien vengades,
Pues que nuevas me traedes
Del campo de Palomares?—

Buenas las traemos Señor
Pues que venimos acà,
Siete dias anduvimos,
Que nunca comimos pan.

Ni los cavallos cevada
De lo que nos pesa mas,
Ni entramos en poblado,
Ni vimos con quien hablar.

Few of the Spanish 'Romances' are older than the 16th century; but the Romance of King Ramiro has a tone of antiquity which is unusual in these compositions. There is something very characteristic of the days of the lance and shield, in the manner in which the Adalides are made to lament the sufferings of their horses, more than their own. The *trovador*, however, is of slender credit as an historian; and Galvan and Armino, and Tello, the Adalides of Leon, must be associated with the army of shadows whom Bernardo del Carpio led on to Roncesvalles.

In the reign of Don Juan the Second, the real Adalides had disappeared; though we still find the term applied by his chronicler, Fernan Perez de Guzman, to high military officers.—Don Juan de Roxas is called, Adalid Mayor of the Hijos d'Algo of Castile;—and to Martin Fernandez de Cordova, he gives the title of Adalid of the Donzelles: though no longer retained in its primitive sense, it then seems to have been considered as denoting high or superior command. Therefore, with all possible deference to the critical acumen of Doctor Lorenzo Galindez de Carvajal, who altered the word to *Alcayde*, we doubt the propriety of his emendation.

Who is the *Almocadene?*—'We now call those *Almocadenes*,' says the sage Alonso, 'who were *anciently* called Captains of the *Peones* or foot-soldiers.' * The name is Arabic; but Alonso was aware that it was less ancient than the office. Like the Adalid, the Almocaden was returned by the verdict of a Jury. Being of inferior estate to the Almogavar, the *Peon* did not gain access to the king in the first instance; but the candidate was to present himself to the Adalides, and to show to them his deserts and

* Part. 2. tit. xxii. ll. 5—6.

pretensions. *Twelve* Almocadenes were then to be summoned by the Adalides, and they were to be *sworn* that they would *say the truth*, if he who claimed the office was gifted with the four necessary qualifications. He was to be wise in war, stout-hearted, and loyal as the Adalid; but good common sense was not required of him. He was to be light of foot, which stood him in equal stead. When the verdict was given, he was conducted to the king, or captain of the host, by whom he was to be clothed anew, according to the custom of the country. Honours he had, allotted to his degree—a lance with a little pennon; and on this pennon he might bear such device as liked him best, in order that he might be known and guarded by his companions, 'and also that it may be known if he doth well or ill.' After the twelve Almocadenes had sworn for the candidate, they themselves took two lances, upon which he placed his feet; and he was to be lifted up towards the four quarters of the world, like the Adalid, and, like him, he was to defy the enemies of the faith, the king and the land; always presenting the point of his lance towards the quarter of the world which he defied. It might happen, that a Peon was so valiant as to deserve the rank of an Adalid; yet, notwithstanding his merit, he could not obtain this promotion until he had first served as an Almogavar trooper. Due subordination was to be observed; for, 'as the 'wise ancients have said, that which is to be good must always 'rise from one good degree to a better degree; so that a good 'Peon may become a good Almocaden, and a good Almocaden may become a good Almogavar trooper, and then a good 'Adalid.' A provision is added, deserving of note. Any one who created an Almocaden without the intervention of the Jury, was to be punished for the mischief which might arise from the acts of the illegitimate Almocaden. But if the formalities of the law had been observed, the Almocaden himself only answered for his defaults.

A third officer, returned by the verdict of a jury, was the *Alfaqueque.** Alonso thus explains the word. 'In Arabic, it means a true man, who is employed to treat for the ransom of captives.'† Incessant warfare rendered this office of consi-

* Part. 2. tit. xxx. l. 1.

† By a deed, dated in November, Era 1262, Dona Pedrona, the wife of *Domingo Moro* the *Alfaqueque*, sold a *solar* at Talavera to Dona Crabriena, abbess of the Monastery of St Clement, for eighteen fanegas of wheat. The learned Jesuit, Father Andres Marina, has committed a whimsical blunder in explaining this curious instrument. He confounds the *Alfaqueque* with the *Alfaqui*. One syllable makes a mighty difference.—And thus he transforms Domingo Moro, the true man, into Domingo the Moor, a converted Mahometan priest!

derable importance. Great trust was reposed in the Alfaqueque—'and warily should he be chosen who follows this calling of piety;'—'for if he bears any spite against the captives, or against their relations, or against their friends, he may cause them to suffer death, or great tribulation; or, at least, he may be the means of keeping them long in captivity.' And, if he was not a true man, he might do much harm to both parties, as well to the captive, as to the other who kept him in captivity. And it was fitting, that the Alfaqueque should be a man of good substance, in order that, if he absconded from justice, his property might make good the injuries which he might have occasioned to the captive. The Alfaqueque was necessarily on a good footing with the Moors; and he would naturally have ;eater facilities, if he chose to secrete himself among them, other debtors or defaulters,* who were strange in the ways ie Saracens. And it was also required, that he should be f a family of good fame. Qualifications like these could only be ascertained by strict inquiry. And † Alonso, in full conformity with the maxims of the English common law, directs, that the facts are to be inquired after by a jury of the visne, by whom the truth might be better known; or, as it is expressed in the Partidas, 'the election is to be made by *twelve* good men, who are to be summoned by the king or his commissioner, or the magistrate of the town wherein those who are to be chosen Alfaqueques dwell, and who are to be well acquainted with the matter, in order that they may be able to *swear* on the holy Gospel book, that those whom they shall chuse to be Alfaqueques, have all the qualifications which we have mentioned in the foregoing law.' The Alfaqueques, when returned, were to be sworn to the due performance of their office; and the grant thereof was to be made by letters patent under seal—and the Alfaqueques received a pennon, with the device of the king, in order that they might travel on their vocation with peace and dignity.

These juries were found in the navy as well as the army. * The Comitres, or captains of ships, 'who were captains of the sea, under the Admiral,' were required to have all his good qualities; and when a seaman thought that he was fit to be a omitre, he came unto the king, or the admiral, who summon-l *twelve* men, well experienced in seamanship, and who knew e man; and he made them *swear*, that they would *truly say*, whether or no the candidate had in himself the qualifications which the law required. The verdict being given, he was clad in scarlet; and he received a pennon, with the arms of the

† Part. 2. tit. xxiv. l. 4. * Part. 2. tit. xxx. l. 2.

King; and he entered the galley which he was to command, whilst the trumpets blew and the clarions were sounding. Until the kings of Castile extended their dominions from sea to sea, they had no navy. From the existence of these juries of seamen, we therefore learn the strong attachment which the Castilians had to this ancient mode of election. The custom of returning officers by the oath of twelve men, was inherent in their military system, just as trial by the oath of twelve men is inherent in our legal system. And when they created a naval army, they gave it the organization which the defenders of their country possessed as their birth-right on the land.

In civil causes, the course of proceeding, directed by the Gothic laws, is analogous to the practice of the Roman tribunals. Greater obscurity involves the administration of criminal justice. Torture sometimes extorted confession from the freeman, and always from the slave; but none of the Gothic ordeals appear, except in the law of Egica. Montanus, the bishop of Toledo, vindicated himself from an imputed crime, by bearing burning coals in the folds of his garments. This was only a miracle, and a vulgar one; but, as Mariana supposes, it gave rise to the fire ordeals of Spain. That celebrated author, however, is strangely inaccurate in asserting * that the Gothic laws (by which he means the Fuero Juzgo) frequently sanction the fire ordeal, in cases of 'adultery, theft and other crimes;' than which nothing can be more unfounded. Ordeal by fire, is said, in like manner, to have been introduced in Denmark, in consequence of the miracle worked by Saint Poppo, who bore the burning iron without harm. But it is not to be believed that a mode of trial, common to all the Teutonic nations, could have thus originated amongst the Danes and the Visigoths. The examples of the saints, only sanctioned the superstitions of their followers.

After the recovery of Spain, ordeal, both by fire and water, was in frequent use. Pope Honorius had forbidden them; and the council of Leon, in 1288, repeated the prohibition of the Holy see. In many towns, the fire and water ordeals, was reckoned amongst the bad customs, or 'fueros malos;' and exemptions from them were granted by the kings, as marks of favour; yet, in others, such ordeals were considered as va-

* Desto principio parece qui tuvo origen en España aquella costumbre generalmente recebida en otros tiempos, y della diversas vezes se trata en las leyes de los godos, pero contraria a las divinas, de la compurgacion vulgar, para descargarse de hurtos adulterios y otros delitos quando a alguno se les imponian.—*Historia de Espana*, lib. 5, c. 8.

luable privileges; and the rules for the trial were laid down in the charters with great minuteness. When the church no longer sanctioned this appeal to Providence, they defied its censures with heretical boldness. †—'Let there be a chaplain to bless the pebbles‡ and the water; *although by Rome it has been prohibited* that any clerk, in orders, should bless the pebbles, or the burning iron. And therefore, if they cannot have a clerk, let the pebbles be blessed by the Alcades, or by the Merino; and if they will not give the blessing, let the *fieles* (the trusty men) bless the pebbles, and fulfil the trial.'—If the blessing of a priest could not be had, it was thought by the men of St Juan de Peña, that a layman's benison, though of a quality somewhat inferior, would answer the purpose very nearly as well. An extract from the ritual is given by Berganza; it does not differ materially from the forms of consecration in use in France and England. Amongst many curious regulations, the charter of St Juan de Peña, provided that, if the Alcalde and the trusty men were in doubt, whether the accused had been burnt or not, they were then to call in the assistance of '*two loyal blacksmiths*, because they knew more about burns than other men.' The blacksmiths were sworn; and on their evidence the Alcalde was to give judgment. In other places, a blacksmith, who was probably considered as having too hard a hoof, was not allowed the privilege of the fire ordeal. Generally, the ordeal was merely the affirmance of disputed facts. In Leon, single women fathered their children, by bearing the burning iron. 'If she is burned, she is not to be believed; but if she escapes, let her give the infant to the father.' According to the fueros of Oviedo, * the ordeal was employed to assist presumptive or doubtful evidence. If a man suspected his neighbour of theft, and the neighbour was 'leal,' 'a true man' who had never been convicted of this crime before, and his good fame could be avouched by the council, then he cleared himself by his oath. But if he was not 'leal,' and this fact was proved by the council, then he was to purge himself by battle; or, if he was faint-hearted, he might decline battle, and 'bear the iron.'

Compurgation is directed in express terms in all the Teutonic laws; but it does not appear to have been admissible in trials conducted according to the forms prescribed by the Fuero Juzgo. When sufficient evidence was not produced, the oath of

† Fueros of San Juan de Peña.

‡ The pebbles, or *gleras*, which were to be taken out of the caldron by the culprit who plunged his arm in the boiling water.

* Amplified and confirmed by Alonso the 8th. A. D. 1073.

the defendant alone dismissed the plaintiff out of court, in a civil suit,* or subjected the accuser to the severe punishment with which the law visited a calumnious charge.† Yet, afterwards, this ordeal was widely spread as a fuero, both in civil and criminal trials. Though discountenanced by the legislature, it was retained in practice; and a forcible illustration is thus given of the stubbornness with which the Goths adhered to their 'usages and customs.' *Trial by jury,*‡ though it, in its germ, was felt to be a benefit; and ordeal by compurgation constitutes a singular and important feature of the ancient Spanish jurisprudence,—singular and important in itself, but peculiarly valuable to us from the light which it throws on the history of the English law.—It is greatly to be regretted that no pains whatever have been taken by the Spanish writers to give it the illustration which it requires; and we only collect our knowledge of its existence from the few specimens of the ancient Spanish laws and charters which as yet have been drawn from the obscurity of their archives.

As an ancient and general usage of Castile, the trial is sanctioned in the Fuero Viejo.—As a local custom or by-law of the cities of Castile and Leon, and their dependencies, it was very frequently established, or rather *declared*, by the charters granted by their founders.—Accompanied by many marked peculiarities of the Spanish character, and adapted to Spanish polity and habits, it nevertheless agrees wholly in effect with the customs so universally adopted by the other nations of cognate race; thus proving its antiquity in Spain by its conformity to those customs,—its nationality, by its variations from them.

Three thousand sueldos, according to the Fuero Viejo,§ were paid for 'dishonouring' the palace of the king, or spoiling his castle; and five hundred sueldos was the price of the head of the merino, or the composition for scandalizing him; and 'every man who wished to save himself from the payment of these mulcts, was to defend himself by the oath of *twelve men—for such was the usage of Castile in the old time.*' When accused of the death of another fijo-d'algo,‖ the suspected noble de-

* F. J. lib. 2, tit. 2, l. 6.—L. W. lib. 2, tit. 2, l. 5.

† F. J. & L. W. lib. 6, tit. 1, l. 2.

‡ Mr Turner has shown, that the origin of the English juries in criminal trials, must be sought for in the compurgators of the Saxon laws. Absolute demonstration cannot be expected in these difficult inquiries; but few will be inclined to call in question a theory which is supported by Turner and Spelman.

§ Fuero Viejo, lib. 1, tit. 2, c. 3. ‖ F. V. lib. 1, tit. 5, c. 9.

fended himself by the oath of eleven other fijos-d'algo, *himself the twelfth;* and, as true knights, they were all '*sworn* upon the Gospel book, with their spurs upon their heels.' ‖ There were two insults only which gave a ‡ Dueña, or a Squire, the right of complaining that a fijo-d'algo had scandalized them, viz. a blow or wound, or the robbery of their mules or garments. Within three days, the party so injured by a caitiff knight was obliged to complain of the offence, and to disclose the injury to the fijos-d'algo of the town, to the labradores, and to the inmates of the fijos-d'algo, if there were any; and to cause the town-bell to be rung, saying—'Such-a-one hath thus dishonoured me.' These formalities having been observed, the fijo-d'algo was to answer the complaint; reparation was made if he confessed it, by forfeiting five hundred sueldos, the price of his own head, but, if he denied it, he was to clear himself by the oath of eleven other fijos-d'algo, '*himself the twelfth.*' But a labrador accused of injuring a fijo-d'algo was not to be admitted to defend himself by his peers; and he was unfairly compelled to swear with eleven fijos-d'algo, '*himself the twelfth.*'

These customs are taken from the general code. In peculiar districts, compurgation was so much in vogue, that compurgatrixes were allowed to female culprits. At Anguas, as well as in other towns, a woman charged with theft could defend herself by the oaths of a jury of other women. More whimsical was the Fuero of Cuenca, § which is passing strange, both for the spirit of the law and the terms in which it is expressed. 'If perchance any husband suspected that his wife had *planted horns* ‡ upon his head,' although he was not able to prove the fact by evidence, the wife was to justify herself by swearing to her chastity with *twelve good wives* of the neighbourhood; and if they pronounced her to be pure, her husband was bound to be persuaded that she was so, maugre all the suggestions of the green-eyed monster. The jealous Castilian required the unanimity of a jury of matrons, from whom his consort, if either fair *or* frail, could scarcely hope to obtain an acquittal. This is a curious variation from the Gothic customs, by which the oaths of men alone were received in these delicate inquiries. In Jutland, for instance, the law of Hensburg required that a woman who was

‖ F. V. lib. 1, tit. 5, c. 12.

‡ The wife of a Ricohombre.

§ Granted by Alonso VIII. about the year 1190.

‡ We believe this is one of the earliest allusions to the terrific 'Cimier di Cornovaglia,' which, alas! hath been placed upon so many a noble helm.

accused of adultery should justify herself by the oaths of twelve men of her husband's guild. At present, we can only recollect one instance of compurgation by females in the northern laws. Haco orders the *witch* to repel the charge of sorcery, by the oaths of six true women; but they were such as men *knew* to be good queans; so that these jurywomen must have often been exposed to a peremptory challenge.

The customs of St Sebastian in Guipuscoa * allowed of an odd kind of proceeding, resembling the assessment of damages by the verdict of a jury. The ravisher was to pay the price of virginity, or he was to marry the object of his ungovernable passion; which punishment, as the charter wisely observes, 'is fully equal to a fine.' But if she who had been a maid was unworthy of becoming his wife, he was to provide her with such a husband as she might reasonably have expected to have obtained previous to her mishap, 'according to the estimation of the alcalde, and of twelve good men of St Sebastian.' This, however, was rather a decision by twelve echevins than an ordeal; but it demonstrates their adherence to the ancient custom of appealing to the judgment of twelve men.

We have seen the cases in which compurgation was allowed by the Fuero Viejo of Castile. How far the general custumal was received in the chartered towns, is a question which we are not prepared to discuss. But in many of them the ordeal received a more extended application. The fullest directions concerning it are contained in the charter of Molina. Don Malrique de Lara incorporated the town of Molina, the seignory of the noble house of Lara, in the year 1152. His charter may be quoted as the most valuable record concerning the ancient municipal jurisprudence of Castile which has yet been published, as it displays the entire constitution and government of a Castilian town. At Molina, the mode of compurgation was singularly, and we think judiciously, varied with the nature of the offence. And in no other antient law which we have had an opportunity of consulting, is the principle upon which this trial proceeded more clearly enounced. Fines, according to the old Gothic law, were exacted at Molina for wounds and maims. The accuser was to support his charge by *three* witnesses, 'vecinos' or burghers of the town, if the offence was committed within its walls. *Two* vecinos sufficed, if without. And, in default of full proof, the culprit either swore with twelve vecinos, or fought with the accuser; but the latter had the choice of the ordeal. He who was riotous at the gate of the judge, or of the alcalde, or in the council

* Charter granted by Alonso VIII. 1202.

chamber, or in the chamber of justice on Friday, when the Court sat, forfeited an hundred maravedis. But the evidence of two alcaldes was required to convict him; and, if this was wanting, he 'swore with twelve,' and was discharged.

When a murder had been committed, if one of those engaged in the fray took the guilt upon his own head, saying, '*I killed him*,' the others were to 'save themselves with twelve true burghers'—*los otros salvense con doce vecinos derecheros*. It might happen, that none would confess the crime; and as all were then equally liable to suspicion, the relations of the dead man were at liberty to select any one as the murderer, 'just as they thought fit:' after which, the supposed murderer named *eleven* relations of the slain; and these, together with the accuser, swore to his being guilty or not guilty. Unanimity was required; and if one or two would not swear, that is to say, if they could not agree with the majority, each who was so dissentient 'swore with twelve,' that neither he, nor any one for his use, had received any bribe; then he was discharged. But the defendant did not 'fall' by the withdrawing of his juror; and he was at liberty to name another. This proceeding is remarkable; a new aspect is given to the ordeal, by calling in the compurgators to swear with the *accuser* instead of the accused; and in this form it is perhaps more closely assimilated to a jury trial. It may be observed, that a practice once prevailed in England, of withdrawing the dissentient jurors, and replacing them by others, till an unanimous verdict was obtained. The continuation of the law of Molina is obscure, and a part of the text seems to be lost. If there were no relations, we think it appears that the accuser was supported by the oath of twelve burghers taken at large from the town. The fraudulent substitution of a stranger was punished by the payment of the full weregild. Though the charter of Molina is very minute, yet no provision is made for murder committed otherwise than in a quarrel among many. This strongly indicates the prevalence of party feuds and family enmities. When *one* man killed another, he must either have been judged by the Fuero Juzgo or the Fuero Viejo, or the regulations in the charter were followed as nearly as might be. Battle might be demanded in many cases; but it was always in the power of the appellant, after he had so demanded it, to waive the proof by the body, and to require the appellee to 'swear with twelve,' or, as it may be said, to put himself upon a jury. Compurgation was gaining ground, and considered as better adapted for the furtherance of justice than the appeal to arms.

Legal usages, such as the battle and fire ordeals, appear to place the middle ages at an immeasurable distance from us, and teach us to consider those who lived in them as beings alike

ignorant and depraved, and with whom we are less in communion than with the savages of New Zealand. We are not wholly estranged by their domestic habits, their sports or their solemnities. We are not inclined to shun the moated castle, nor do we rush away from Deis and the festive board. Unwonted spectacles are no doubt exhibited there; yet not so wildly rude as to be repugnant to our nature. We can imagine ourselves quaffing from the beaker of Hypocras, or sipping piment and morat. After a due course of starvation, it is not impossible but that we might have swallowed a mess of 'charlot gentyl,' or even have made a meal of that royal dainty, a barbacued porpoise. Knights justing in the lists, or monks chanting in the choir, rise up before us like splendid visions or holy dreams; and, forgetting the evils of feudality and popery, we contemplate the pageants with enthusiasm. On a nearer view, indeed, their beauty fades. But the noble and the burgess reeking in coarseness; the soldier abusing his brutal strength; and the priest wallowing in the filth of superstition; are not so intolerable as the seeming profanation of the sacred name of Justice. Accustomed to the patient and impartial trial of the culprit, we shudder at the superstitious ferocity which surrendered the victim to the ordeal of the fire; we execrate the barbarous law which compelled the accused and accuser to risk their lives in judicial contest; or we deplore the pious folly which bade the criminal go forth unpunished, when twelve good men had sworn to his innocence. Were not these trials calculated for the oppression of the guiltless, and the protection of the ill doer? Yet those who appealed to the chance of the field, or the 'judgments of God,' were not destitute of good sense and discernment; and they must have deceived themselves into a toleration of the inconveniences attendant on these proceedings. Some allowance must be made for prevailing opinions. Words exercise a strange witchery over the wisest of us all. *We* who are so well pleased with our own wisdom and humanity, do not hesitate to settle points of honour by the pistol: *They*, with equal willingness, decided points of law with club and target. An age of good order and refinement, in which duelling is cherished by the 'unwritten usages' constituting the code of society, may perhaps excuse the age of turbulence and ferocity, in which ordeal by battle was allowed to retain its place in the code of law. If our great grandchildren advance as rapidly in the scale of civilization as we have done, it is possible that they may learn to consider a meeting at Chalk-farm in the same light as we now view a battle before the Judges of the kingdom of Jerusalem. But in the mean while, let us do justice, both to the twelfth century and to the nine-

teenth, by confessing, that in both, this apparently absurd appeal to arms has given that protection to the individual which he could scarcely have obtained without it. Our courts of law will not grant us adequate redress for those injuries which inflict the keenest pain. § Not a farthing can be recovered against him who salutes us as rogues or liars. Nor can the spotless virgin maintain an action against the foul-mouthed wretch who prefers a verbal charge of incontinency against her, 'unless any damage ensues which may be considered by the wisdom of the law as affording her a foundation for a *per quod.*' But the half drunken bully stops short in the middle of the words of affront, anticipating the unwelcome civility of the challenge, and the cool politeness of the *friend* who bears it. Rapine and lust, in like manner, might not be restrained by the tribunals of a feudal kingdom, conniving at crimes, or fearing to punish them; but they must have often been checked by the salutary terrors of the solemn battle.

Sentiments which, if not praiseworthy, were at least excusable, dictated the ordeals of the ploughshare and the caldron, and required the assisting testimony of the compurgator. With a firm and lively faith, * the omniscience of the Almighty was invoked by Judges who distrusted the wisdom of man: But though distrusting his wisdom, they confided in his faith; and therefore, they hesitated to doubt the truth of his appeal to his Creator. By degrees, the mistaken piety which tempted Providence, and required the Author of the universe to subvert the laws of nature, yielded to a rational reliance on those faculties which His goodness has bestowed upon us. Another mode of trial, however, remained,—Ordeal by compurgation, which, though less awful, seems, according to our ideas of judicial investigation, to afford room for equal, if not for greater abuses. We may conjecture how the criminal would labour to evade the 'judgment of God.'—He granted his broad lands to holy church in purchase of the favour of the priest; and his hand was anointed with juices and medicaments of wondrous potency—and during the lengthened recitation of the prayer and the psalm, the intense radiance of the probationary iron became dimmed into an obscurer glow. Yet, even then, sufficient danger still accompanied the fiery proof, to render it appalling: But he who might wage

§ Blackstone's Commentaries, v. iii. p. 124-5.

* Deus cujus notitiam nulla unquam secreta effugiunt, fidei nostræ tua comitate responde et præsta, ut quisquis purgandi ex gratia hoc ignitum tulerit ferrum, vel absolvatur innocens vel rei noxius detegatur. *Formulæ solennes exorcismorum.* *Lind.* p. 1310.

his law, was declared guiltless of the imputed crime, or discharged from the fulfilment of the obligation, by an easier trial An oath confirmed his own denial of the charge. Friends or relations, whom he himself had named, declared their belief in the truth of his denial. They, too, indeed, were bound by oath; but the free judgment of the compurgators might be fettered by the ties of blood or fellowship; or the irresistible force of self-interest would conquer their conscientious scruples; and audacity and perjury, without doubt, often succeeded in gaining many a triumph over good faith and justice.

Great defects were inseparable from trial by compurgation; but they were in some measure compensated by its advantages. People who were insensible to the nicer or conventional delicacies of reputation, were taught to defer to public opinion, whose influence is more beneficial to society, in checking the commission of bad deeds, than in stimulating to the performance of great ones. An inestimable value was given to unblemished character. To those who were of fair fame and good repute, trial by compurgation afforded an efficient protection against calumny and malice; but to them alone. Notwithstanding the influence of relationship and clanship, or of more tempting and degrading motives, the Gentleman or the Citizen, if his deeds had borne a questionable shape, would have some difficulty in persuading twelve, or twenty-four, or thirty-six good men and true, to become forsworn in his defence. Perhaps the *very* powerful and the *very* rich may have assembled their compurgators with greater ease. But no additional impunity was thereby given to those great flies,—who, in all states of society, contrive to escape the cobweb meshes of the law, than they would have possessed, had compurgation been denied to them. The heart of the widowed one was faint, when the King's companion, stood in the great hall of the King's palace, before the table of marble stone, surrounded by his meisney of willing believers in his innocence.—Did she cry aloud for vengeance on their perjuries?—Alas!—arguments such as convinced them that the tale of woe was false, would have been equally irresistible, if addressed to the haughty Seneschal, or the high-born Justiciar, wrapped in the robe of scarlet and ermine bestowed upon him by royal favour.—Was the right hand of each Baron uplifted towards heaven, whilst he repeated the solemn oath which screened the noble miscreant from his deserved punishment?—If sentence had been passed, these same hands would have drawn the sword with equal readiness to defend him.

Consistency was not to be expected, before jurisprudence settled into a regular system. Sometimes the original principle of compurgation may have been forgotten; but it should always be remembered that in their strict and primitive form, these oaths of delivery were never allowed but when the plea of the defendant was opposed to the unauthenticated claim of the demandant, or to an arraignment supported only by presumptive evidence, or the naked oath of the accuser. Oath then counterbalanced oath,—and the compurgators turned the scale.

We have dilated on the subject of the compurgative ordeal, because we consider it as the basis upon which our criminal jurisprudence has been erected. The Goths and the Saxons alike endeavoured to lay the foundation of the sanctuary of justice. Each followed a simple and inartificial plan. But whilst ours has arisen into a proud and majestic structure, theirs has mouldered into ruin.—Spain, whilst it constituted the Gothic monarchy, and Leon and Castile, until the full admission of the Partidas, enjoyed a system of laws which, although they cannot be identified with the laws and customs of the Anglo-Saxons, were yet accordant with them both in the general bearing, and in many of the details. Let it be, however, remarked, that the Castilian labrador was compelled to resort to the oaths of his superiors: But our Alfred commanded the Saxon landholder to justify himself with eleven of his even-thanes, and one king's-thane alone; and the humblest Saxon freeman could always claim a jury of his equals. Notwithstanding the absence of this generous spirit of the Saxon law, compurgation seems to have been more favoured in Castile than the ordeals of fire or battle. This is evinced by the charter of Molina. It may appear improper to draw conclusions respecting the general customs of a kingdom from the by-laws of one chartered town: But Don Manrique would select such usages as were common amongst the Castilians, whom he sought to draw together as settlers in his colony; and he would confirm to them such privileges as were most prized. Nor because the 'Fuero Viejo' only directs the 'oaths of twelve,' in two or three peculiar cases, must we infer that it was excluded in all others. When our law-books define a felony, it is not necessary to add, that a jury is to be impanelled to determine it. The student is presumed to be acquainted with the general course of trial.

Whatever had been the 'usages of Castile in the old time, they became wholly obsolete in the second era of Castilian jurisprudence. All the Fueros of the towns were superseded by the Fuero Real of Alonso, and by his more celebrated work, the

Partidas. Although solemnly confirmed by Pedro el Justiciero, the 'Fuero Viejo' also yielded to the elaborate laws of Alonso, after they had been promulgated in the Cortes of Alcala. Of the ancient ordeals, trial by battle alone was allowed by Alonso, chiefly in cases touching fame and honour; but the disciples of Bartholus and Baldus would not concern themselves with the Gothic juries of deliverance, which were withheld from the defendant when the Spanish tribunals were subjected to their control.

Continuing in this imperfect state, the Spanish jury was of dubious utility: and no efforts were made to give it the improvements of which it was susceptible. The Legislature and the people of the Castilian kingdoms, abandoned the Gothic ordeal, without attempting to mould it into a more equitable form; or to combine it with more liberal principles of legislation. Its suppression, therefore, excited neither anxiety nor regret. They cast away the unpolished gem, contemning its worth, and disdaining the labour of bringing out its lustre. Far different was the cheering progress of the laws of England. Never wholly or suddenly departing from their pristine character, it has been the peculiar happiness and blessing of this country, that the institutions of the early ages have lost their rudeness, but retained their vigour. The erring tests of truth have been allowed to sink into oblivion; but the cumbersome array of compurgators, which often averted the righteous vengeance of the law, has been gradually matured into that great tribunal of our peers, which will ever remain the best safeguard of life and freedom.

ART. VI. 1. *Travels in Canada and the United States, in* 1816 *and* 1817. *By* Lieutenant FRANCIS HALL, 14th Light Dragoons, H. P. 8vo. London. Longman & Co. 1818.

2. *Journal of Travels in the United States of North America, and in Lower Canada, performed in the Year* 1817, *&c. &c.* *By* JOHN PALMER. 8vo. London. Sherwood, Neely & Jones. 1818.

3. *A Narrative of a Journey of Five Thousand Miles through the Eastern and Western States of America; contained in Eight Reports, addressed to the Thirty-nine English Families by whom the Author was deputed, in June* 1817, *to ascertain whether any, and what part of the United States would be suitable for their Residence. With Remarks on Mr Birkbeck's 'Notes' and 'Letters.'* *By* HENRY BRADSHAW FEARON. 8vo London, Longman & Co. 1818.

4. *Travels in the Interior of America, in the Years* 1809, 1810, *and* 1811, *&c. &c.* *By* JOHN BRADBURY, F.L.S. Lond. 8vo. London. Sherwood, Neely & Jones. 1817.

THESE four books are all very well worth reading, to any person who feels, as we do, the importance and interest of the subject of which they treat. They contain a great deal of information and amusement; and will probably decide the fate, and direct the footsteps, of many human beings, seeking a better lot than the Old World can afford them. Mr Hall is a clever, lively man, very much above the common race of writers; with very liberal and reasonable opinions, which he expresses with great boldness,—and an inexhaustible fund of good humour. He has the elements of wit in him; but sometimes is trite and flat when he means to be amusing. He writes verses, too, and is occasionally long and metaphysical: But, upon the whole, we think highly of Mr Hall; and deem him, if he is not more than twenty-five years of age, an extraordinary young man. He is not the less extraordinary for being a Lieutenant of Light Dragoons—as it is certainly somewhat rare to meet with an original thinker, an indulgent judge of manners, and a man tolerant of neglect and familiarity, in a youth covered with taggs, feathers, and martial foolery.

Mr Palmer is a plain man, of good sense, and slow judgment.—Mr Bradbury is a botanist, who lived a good deal among the savages, but worth attending to.—Mr Fearon is a much abler writer than either of the two last, but no lover of America,—and a little given to exaggeration in his views of vices and prejudices.

Among other faults with which our Government is chargeable, the vice of *impertinence* has lately crept into our Cabinet; and the Americans have been treated with ridicule and contempt. But they are becoming a little too powerful, we take it, for this cavalier sort of management; and are increasing with a rapidity which is really no matter of jocularity to us, or the other powers of the Old World. In 1791, Baltimore contained 13,000 inhabitants; in 1810, 46,000; in 1817, 60,000. In 1790, it possessed 13,000 tons of shipping; in 1798, 59,000; in 1805, 72,000; in 1810, 103,444. The progress of Philadelphia is as follows.

	Houses.		Inhabitants.
‘ In 1683 there were in the city	80	and	600
1700 - - -	700		5,000
1749 - -	2,076		15,000
1760 - - -	2,969		20,000

		Houses.		Inhabitants.
' In 1769 there were in the city		4,474	and	30,000
1776	- - -	5,460		40,000
1783	- - -	6,000		42,000
1806	- - -	13,000		90,000
1810	- -	22,769		100,000

' Now, it is computed there are at least 120,000 inhabitants in the city and suburbs, of which 10,000 are free coloured people.' *Palmer*, p. 254, 255.

The population of New-York (*the city*), in 1805, was 60,000; it is now 120,000. Their shipping, at present, amounts to 300,000 tons. The population of *the state* of New-York was, at the accession of his present Majesty, 97,000, and is now near 1,000,000. Kentucky, first settled in 1773, had, in 1792, a population of 100,000, and in 1810, 406,000. Morse reckons the whole population of the western territory, in 1790, at 6000; in 1810 it was near half a million; and will probably exceed a million in 1820. These, and a thousand other equally strong proofs of their increasing strength, tend to extinguish pleasantry, and provoke thought.

We were surprised and pleased to find from these accounts, that the Americans on the Red River and the Achansas River, have begun to make sugar and wine. Their importation of wool into this country, is becoming also an object of some consequence; and they have inexhaustible supplies of salt and coal. But one of the great sources of wealth in America is, and will be, an astonishing command of inland navigation; the Mississippi, flowing from the north to the Gulf of Mexico, through seventeen degrees of latitude; the Ohio and the Alleghany almost connecting it with the Northern Lakes; the Wabash, the Illinois, the Missouri, the Achansas, the Red River, flowing from the confines of New Mexico. These rivers, all navigable, and most of them already frequented by steam-boats, constitute a facility of internal communication, not, we believe, to be paralleled in the whole world.

One of the great advantages of the American Government is its cheapness. The American king has about 5000*l.* per annum, the vice-king 1000*l.* They hire their Lord Liverpool at about a thousand per annum, and their Lord Sidmouth (a good bargain) at the same sum. Their Mr Crokers are inexpressibly reasonable,—somewhere about the price an English doorkeeper, or bearer of a mace. Life, however, seems to go on very well, in spite of these low salaries; and the purposes of Government to be very fairly answered. Whatever may be the

evils of Universal Suffrage in other countries, they have not yet been felt in America; and one thing, at least, is established by her experience, that this institution is not necessarily followed by those tumults, the dread of which excites so much apprehension in this country. In the most democratic states, where the payment of direct taxes is the only qualification of a voter, the elections are carried on with the utmost tranquillity; and the whole business, by taking votes in each parish or section, concluded all over the state in a single day. A great deal is said by Fearon about *Caucus*, the cant word of the Americans for the committees and party meetings in which the business of the elections is prepared—the influence of which he seems to consider as prejudicial. To us, however, it appears to be nothing more than the natural, fair, and unavoidable influence, which talent, popularity and activity, always must have upon such occasions. What other influence can the leading characters of the democractic party in Congress possibly possess? Bribery is entirely out of the question—equally so is the influence of family and fortune. What then can they do, with their caucus or without it, but recommend? And what charge is it against the American government to say, that those members of whom the people have the highest opinion, meet together to consult whom they shall recommend for President, and that their recommendation is successful in their different States? Could any friend to good order wish other means to be employed, or other results to follow? No statesman can wish to exclude influence, but only bad influence;—not the influence of sense and character, but the influence of money and punch.

A very disgusting feature in the character of the present English government, is its extreme timidity, and the cruelty and violence to which its timidity gives birth. Some hot-headed young person, in defending the principles of Liberty, and attacking those abuses to which all governments are liable, passes the bounds of reason and moderation, or is thought to have passed them, by those whose interest it is to think so. What matters it whether he has or not? You are strong enough to let him alone. With such institutions as ours, he can do no mischief; perhaps he may owe his celebrity to your opposition; or, if he must be opposed, write against him,—set Candidus, Scrutator, Vindex, or any of the conductitious penmen of Government to write him down; any thing but the savage spectacle of a poor wretch, perhaps a very honest man, contending in vain against the weight of an immense Government, pursued by a zealous attorney, and sentenced, by some candidate perhaps for the favour of

the Crown, to the long miseries of the dungeon.* A still more flagrant instance may be found in our late suspensions of the Habeas Corpus act. Nothing was trusted to the voluntary activity of a brave people, thoroughly attached to their Government—nothing to the good sense and prudence of the gentlemen and yeomen of the country—nothing to a little forbearance, patience and watchfulness. There was no other security but despotism; nothing but the alienation of that right which no king nor minister can love, and which no human beings but the English have had the valour to win, and the prudence to keep. The contrast between our Government and that of the Americans, upon the subject of suspending the Habeas Corpus, is drawn in so very able a manner by Mr Hall, that we must give the passage at large.

'It has ever been the policy of the Federalists to "strengthen the hands of Government." No measure can be imagined more effectual for this purpose, than a law which gifts the ruling powers with infallibility; but no sooner was it enacted, than it revealed its hostility to the principles of the American system, by generating oppression under the cloak of defending social order.

'If there ever was a period when circumstances seemed to justify what are called energetic measures, it was during the administrations of Mr Jefferson and his successor. A disastrous war began to rage, not only on the frontiers, but in the very penetralia of the republic.

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* A great deal is said about the independence and integrity of English Judges. In causes between individuals, they are strictly independent and upright: But they have strong temptations to be otherwise, in cases where the Crown prosecutes for libel. Such cases often involve questions of party, and are viewed with great passion and agitation, by the Minister and his friends. Judges have often favours to ask for their friends and families, and dignities to aspire to for themselves. It is human nature, that such powerful motives should create a great bias against the prisoner. Suppose the Chief Justice of any Court to be in an infirm state of health, and a Government libel-cause to be tried by one of the Puisne Judges,—of what immense importance is it to that man to be called a strong friend to Government—how injurious to his natural and fair hopes to be called lukewarm, or addicted to popular notions—and how easily the runners of the Government would attach such a character to him? The useful inference from these observations is, that in all Government cases, the Jury, instead of being influenced by the cant phrases about the integrity of English Judges, should suspect the operation of such motives—watch the Judge with the most acute jealousy—and compel him to be honest, by throwing themselves into the opposite scale whenever he is inclined to be otherwise.

To oppose veteran troops, the ablest generals, and the largest fleets in the world; the American government had raw recruits, officers who had never seen an enemy, half a dozen frigates, and a population unaccustomed to sacrifices, and impatient of taxation. To crown these disadvantages, a most important section of the Union, the New England States openly set up the standard of separation and rebellion. A convention sat for the express purpose of thwarting the measures of Government; while the press and pulpit thundered every species of denunciation against whoever should assist their own country in the hour of danger. * And this was the work, not of Jacobins and Democrats, but of the staunch friends of religion and social order, who had been so zealously attached to the Government while it was administered by their own party, that they suffered not the popular breath " to visit the President's breech too roughly."

'The course pursued, both by Mr Jefferson and Mr Maddison, throughout this season of difficulty, merits the gratitude of their country, and the imitation of all governments pretending to be free.

'So far were they from demanding any extraordinary powers from Congress, that they did not even enforce, to their full extent, those with which they were by the Constitution invested. The process of reasoning, on which they probably acted, may be thus stated. The majority of the nation is with us, because the war is national. The interests of a minority suffer; and self-interest is clamorous when injured. It carries its opposition to an extreme, inconsistent with its political duty. Shall we leave it an undisturbed career of faction, or seek to put it down with libel and sedition laws? In the first case, it will grow bold from impunity; its proceedings will be more and more outrageous: but every step it takes to thwart us, will be a step in favour of the enemy, and, consequently, so much ground lost in public opinion. But as public opinion is the only instrument by which a minority can convert a majority to its views, impunity, by revealing its motives, affords the surest chance of defeating its intent. In the latter case, we quit the ground of reason, to take that of force: we give the factious the advantage of seeming

* 'In Boston, associations were entered into for the purpose of preventing the filling up of Government loans. Individuals, disposed to subscribe, were obliged to do it in secret, and conceal their names, as if the action had been dishonest.—*Vide* " Olive Branch," p. 307. At the same time, immense runs were made by the Boston banks on those of the Central and Southern States; while the specie thus drained was transmitted to Canada, in payment for smuggled goods, and British Government bills, which were drawn in Quebec, and disposed of in great numbers, on advantageous terms, to moneyed men in the States. Mr Henry's mission is the best proof of the result anticipated by our Government from these proceedings in New England.

persecuted: by repressing intemperate discussion, we confess ourselves liable to be injured by it. If we seek to shield our reputation by a libel-law, we acknowledge, either that our conduct will not bear investigation, or that the people are incapable of distinguishing betwixt truth and falsehood: But for a popular government to impeach the sanity of the nation's judgment, is to overthrow the pillars of its own elevation.

'The event triumphantly proved the correctness of this reasoning. The Federalists awoke from the delirium of factious intoxication, and found themselves covered with contempt and shame. Their country had been in danger, and they gloried in her distress. She had exposed herself to privations, from which they had extracted profit. In her triumphs they had no part, except that of having mourned over and depreciated them. Since the war, Federalism has been scarcely heard of.'—*Hall*, 508-511.

The Americans, we believe, are the first persons who have discarded the taylor in the administration of justice, and his auxiliary the barber—two persons of endless importance in the codes and pandects of Europe. A Judge administers justice without a calorific wig and particoloured gown, in a coat and pantaloons. He is obeyed, however: and life and property are not badly protected in the United States. We shall be denounced by the Laureate as atheists and jacobins; but we must say, that we have doubts whether one atom of useful influence is added to men in important situations, by any colour, quantity, or configuration of cloth and hair. The true progress of refinement, we conceive, is to discard all the mountebank drapery of barbarous ages. One row of gold and fur falls off after another from the robe of power, and is pick'd up and worn by the parish beadle and the exhibiter of wild beasts. Meantime, the afflicted wiseacre mourns over equality of garment; and wotteth not, of two men whose doublets have cost alike, how one shall command, and the other obey.

The dress of lawyers, however, is, at all events, of less importance than their charges. Law is cheap in America: In England, it is better, in a mere pecuniary point of view, to give up forty pounds, than to contend for it in a court of common law. It costs that sum in England to win a cause; and, in the Court of Equity, it is better to abandon five hundred, or a thousand pounds, than to contend for it. We mean to say nothing disrespectful of the Chancellor—who is an upright judge, a very great lawyer, and zealous to do all he can; but we believe the Court of Chancery to be in a state which imperiously requires Legislative correction. We do not accuse it of any malversation, but of a complication, formality, entanglement and delay, which the life, the wealth, and the patience of man cannot endure. How such a subject

comes not to have been taken up in the House of Commons, we are wholly at a loss to conceive. We feel for climbing boys as much as any body can do; but what is a climbing boy in a chimney to a full grown suitor in the Master's office? And whence comes it, in the midst of ten thousand compassions and charities, that no Wilberforce, Bennet, or Sister Fry, has started up for the suitors in Chancery? and why, in the name of these afflicted and attorneyworn people, are there united in their judge three or four offices, any one of which is sufficient to occupy the whole time of a very able and active man?

There are no very prominent men at present in America; at least none whose fame is strong enough for exportation. Munro is a man of plain unaffected good sense. Jefferson, we believe, is still alive; and has always been more remarkable, perhaps, for the early share he took in the formation of the Republic, than from any very predominant superiority of understanding. Mr Hall made him a visit.

'I slept a night at Monticello, and left it in the morning, with such a feeling as the traveller quits the mouldering remains of a Grecian temple, or the pilgrim a fountain in the desert. It would indeed argue great torpor, both of understanding and heart, to have looked without veneration and interest, on the man who drew up the declaration of American independence; who shared in the councils by which her freedom was established; whom the unbought voice of his fellow-citizens called to the exercise of a dignity, from which his own moderation impelled him, when such example was most salutary, to withdraw; and who, while he dedicates the evening of his glorious days to the pursuits of science and literature, shuns none of the humbler duties of private life; but, having filled a seat higher than that of kings, succeeds with graceful dignity to that of the good neighbour, and becomes the friendly adviser, lawyer, physician, and even gardener of his vicinity. This is the "still small voice" of philosophy, deeper and holier than the lightnings and earthquakes which have preceded it. What monarch would venture thus to exhibit himself in the nakedness of his humanity? On what royal brow would the laurel replace the diadem?' *Hall*, 384, 385.

Mr Fearon dined with another of the Ex-Kings, Mr Adams.

'The ex-president is a handsome old gentleman of eighty-four;—his lady is seventy-six:—she has the reputation of superior talents, and great literary acquirements. I was not perfectly a stranger here; as, a few days previous to this, I had received the honour of an hospitable reception at their mansion. Upon the present occasion the minister (the day being Sunday) was of the dinner party. As the table of a "*late King*" may amuse some of you, take the following particulars:—first course, a pudding made of Indian corn, molasses, and butter;—second, veal, bacon, neck of mutton, potatoes, cabbages, carrots, and Indian beans; Madeira wine, of which each drank

two glasses. We sat down to dinner at one o'clock: at two, nearly all went a second time to church. For tea, we had pound-cake, sweet bread and butter, and bread made of Indian corn and rye (similar to our brown home-made.) Tea was brought from the kitchen, and handed round by a neat, white servant-girl. The topics of conversation were various.—England, America, religion, politics, literature, science, Dr Priestley, Miss Edgeworth, Mrs Siddons, Mr Kean, France, Shakspeare, Moore, Lord Byron, Cobbett, American revolution, the traitor General Arnold.

'The establishment of this political patriarch consists of a house two stories high, containing, I believe, eight rooms; of two men and three maid servants; three horses, and a plain carriage. How great is the contrast between this individual—a man of knowledge and information—without pomp, parade, or vitious and expensive establishments, as compared with the costly trappings, the depraved characters, and the profligate expenditure of ——— House, and —————! What a lesson *in this* does America teach! There are now in this land, no less than three Cincinnati!' *Fearon*, 111–13.

The travellers agree, we think, in complaining of the insubordination of American children—and do not much like American ladies. In their criticisms upon American gasconade, they forget that vulgar people of all countries are full of gasconade. The Americans love titles.—The following extract from the Boston Sentinel of last August 1817, is quoted by Mr Fearon.

'" *Dinner to Mr Adams.*—Yesterday a public dinner was given to the *Hon.* John Q. Adams, in the Exchange Coffee-House, by his fellow-citizens of Boston. The *Hon.* Wm. Gray presided, assisted by the *Hon.* Harrison Gray Otis, George Blake, Esq. and the *Hon.* Jonathan Mason, vice-presidents. Of the guests were, the *Hon.* Mr Adams, late president of the United States, his *Excellency* Governor Brooks, his *Honor* Lt. Gov. Phillips, Chief Justice Parker, Judge Story, President Kirkland, Gen. Dearborn, Com. Hull, Gen. Miller, several of the reverend clergy, and many public officers, and strangers of eminence." '

They all, in common with Mr Birkbeck, seem to be struck with the indolence of the American character. Mr Fearon makes the charge; and gives us below the right explanation of its cause.

'The life of boarders at an American tavern, presents the most senseless and comfortless mode of killing time which I have ever seen. Every house of this description that I have been in, is thronged to excess; and there is not a man who appears to have a single earthly object in view, except spitting and smoking segars. I have not seen a book in the hands of any person since I left Philadelphia. Objectionable as these habits are, they afford decided evidence of the prosperity of that country, which can admit so large a body of its

citizens to waste in indolence three-fourths of their lives, and would also appear to hold out encouragement to Englishmen with *English habits,* who could retain their industry amid a nation of indolence, and have sufficient firmness to live in America, and yet bid defiance to the deadly example of its natives.' *Fearon,* p. 252, 253. Yet this change can hardly apply to the north-eastern parts of the Union.

The following sample of American vulgarity is not unentertaining.

'On arriving at the tavern door the landlord makes his appearance.—*Landlord.* Your servant, gentlemen, this is a fine day. *Answer.* Very fine.—*Land.* You've got two *nice creatures,* they are *right elegant* matches. *Ans.* Yes, we bought them for matches.—*Land.* They cost a *heap* of dollars, (a pause, and knowing look; 200 I *calculate.* *Ans.* Yes, they cost a good sum.—*Land.* *Possible!* (a pause) going westward to Ohio, gentlemen. *Ans.* We are going to Philadelphia.—*Land.* Philadelphia, ah! that's a *dreadful* large place, three or four times as *big* as Lexington. *Ans.* Ten times as large.—*Land.* Is it by George! what a *mighty heap* of houses, (a pause); but I *reckon* you was not *reared* in Philadelphia. *Ans.* Philadelphia is not our native place.—*Land.* Perhaps *away up* in Canada. *Ans.* No, we are from England.—*Land.* *Is it possible!* well I *calculated* you were from abroad, (pause); how long have you been from the *old country?* *Ans.* We left England last March.—*Land.* And in August here you are in *Kentuck.* Well, I should have *guessed* you had been in the States some years; you speak almost as good English as we do!

'This dialogue is not a literal copy; but it embraces most of the frequent and improper applications of words used in the back country, with a few New England phrases. By the loghouse farmer and tavern keeper, they are used as often, and as erroneously, as they occur in the above discourse.'—*Palmer,* p. 129, 130.

This is of course intended as a representation of the manners of the low, or, at best, the middling class of people in America.

The four travellers, of whose works we are giving an account, made extensive tours in every part of America, as well in the old as in the new settlements; and, generally speaking, we should say their testimony is in favour of American manners. We must except, perhaps, Mr Fearon;—and yet he seems to have very little to say against them. Mr Palmer tells us, that he found his companions, officers and farmers, unobtrusive, civil, and obliging;—that what the servants do for you, they do with alacrity;—that at their *tables d'hôtes* ladies are treated with great politeness. We have real pleasure in making the following extract from Mr Bradbury's tour.

'In regard to the manners of the people west of the Alleghanies, it would be absurd to expect that a general character could be now formed, or that it will be, for many years yet to come. The population is at present compounded of a great number of nations, not yet

amalgamated, consisting of emigrants from every State in the Union, mixed with English, Irish, Scotch, Dutch, Swiss, Germans, French, and almost from every country in Europe. In some traits they partake in common with the inhabitants of the Atlantic States, which results from the nature of their government. That species of hauteur which one class of society in some countries show in their intercourse with the other, is here utterly unknown. By their constitution, the existence of a privileged order, vested by birth with hereditary privileges, honours, or emoluments, is for ever interdicted. If, therefore, we should here expect to find that contemptuous feeling in man for man, we should naturally examine amongst those clothed with judicial or military authority; but we should search in vain. The justice on the bench, or the officer in the field, is respected and obeyed whilst discharging the functions of his office, as the representative or agent of the law, enacted for the *good of all*; but should he be tempted to treat even the least wealthy of his neighbours or fellow-citizens with contumely, he would soon find that he could not do it with impunity. Travellers from Europe, in passing through the western country, or indeed any part of the United States, ought to be previously acquainted with this part of the American character, and more particularly if they have been in the habit of treating with contempt, or irritating with abuse, those whom accidental circumstances may have placed in a situation to administer to their wants. Let no one here indulge himself in abusing the waiter or ostler at an inn: that waiter or ostler is probably a citizen, and does not, nor cannot conceive, that a situation in which he discharges a duty to society, not in itself dishonourable, should subject him to insult: but this feeling, so far as I have experienced, is entirely defensive. I have travelled near 10,000 miles in the United States, and never met with the least incivility or affront.

'The Americans, in general, are accused by travellers of being inquisitive. If this be a crime, the western people are guilty; but, for my part, I must say that it is a practice that I never was disposed to complain of, because I always found them as ready to answer a question as to ask one, and therefore I always came off a gainer by this kind of barter; and if any traveller does not, it is his own fault. As this leads me to notice their general conduct to strangers, I feel myself bound, by gratitude and regard to truth, to speak of their hospitality. In my travels through the inhabited parts of the United States, not less than 2000 miles was through parts where there were no taverns, and where a traveller is under the necessity of appealing to the hospitality of the inhabitants. In no one instance has my appeal been fruitless; although, in many cases, the furnishing of a bed has been evidently attended with inconvenience, and in a great many instances, no remuneration would be received. Other European travellers have experienced this liberal spirit of hospitality, and some have repaid it by calumny.' *Bradbury*, p. 301–306.

We think it of so much importance to do justice to other

nations, and to lessen that hatred and contempt which race feels for race, that we subjoin two short passages from Mr Hall to the same effect.

'I had bills on Philadelphia, and applied to a respectable store-keeper, that is, tradesman, of the village, to cash me one; the amount, however, was beyond any remittance he had occasion to make, but he immediately offered me whatever sum I might require for my journey, with no better security than my word, for its repayment at Philadelphia: he even insisted on my taking more than I mentioned as sufficient. I do not believe this trait of liberality would surprise an American; for no one in the States, to whom I mentioned it, seemed to consider it as more than any stranger of respectable appearance might have looked for, in similar circumstances: But it might well surprise an English traveller, who had been told, as I had, that the Americans never failed to cheat and insult every Englishman who travelled through their country, especially if they knew him to be an officer. This latter particular they never failed to inform themselves of, for they are by no means bashful in inquiries; but if the discovery operated in any way upon their behaviour, it was rather to my advantage; nor did I meet with a single instance of incivility betwixt Canada and Charleston, except at the Shenandoah Point, from a drunken English deserter.—My testimony, in this particular, will certainly not invalidate the complaints of many other travellers, who, I doubt not, have frequently encountered rude treatment, and quite as frequently deserved it; but it will at least prove the possibility of traversing the United States without insult or interruption, and even of being occasionally surprised by liberality and kindness.'—*Hall*, p. 255, 256.

'I fell into very pleasant society at Washington. Strangers who intend staying some days in a town, usually take lodgings at a boarding-house, in preference to a tavern: in this way, they obtain the best society the place affords; for there are always gentlemen, and frequently ladies, either visitors or temporary residents, who live in this manner to avoid the trouble of housekeeping. At Washington, during the sittings of Congress, the boarding-houses are divided into messes, according to the political principles of the inmates, nor is a stranger admitted without some introduction, and the consent of the whole company. I chanced to join a democratic mess, and name a few of its members with gratitude, for the pleasure their society gave me—Commodore Decatur and his lady, the Abbé Correa, the great botanist and plenipotentiary of Portugal, the Secretary of the Navy, the Secretary of the Navy Board, known as the author of a humourous publication, entitled "John Bull and Brother Jonathan," with eight or ten members of Congress, principally from the Western states, which are generally considered as most decidedly hostile to England, but whom I did not on this account find less good-humoured and courteous. It is from thus living in daily intercourse with the

leading characters of the country, that one is enabled to judge with some degree of certainty of the practices of its government; for to know the paper theory is nothing, unless it be compared with the instruments employed to carry it into effect. "A political constitution may be nothing but a cabalistic form, to extract money and power from the people; but then the jugglers must be in the dark, and no admittance behind the curtain." This way of living affords too the best insight into the best part of society; for if in a free nation the depositaries of the public confidence be ignorant, or vulgar, it is a very fruitless search to look for the opposite qualities in those they represent; whereas, if these be well informed in mind and manners, it proves at the least an inclination towards knowledge and refinement, in the general mass of citizens by whom they are selected. My own experience obliges me to a favourable verdict in this particular. I found the little circle into which I had happily fallen, full of good sense and good humour, and never quitted it without feeling myself a gainer on the score, either of useful information or of social enjoyment.' *Hall*, p. 329-331.

In page 252, Mr Hall pays some very handsome compliments to the gallantry, high feeling, and humanity of the American troops. Such passages reflect the highest honour upon Mr Hall. They are full of courage as well as kindness; and will never be forgiven.

Literature the Americans have none—no native literature, we mean. It is all imported. They had a Franklin, indeed; and may afford to live for half a century on his fame. There is, or was, a Mr Dwight, who wrote some poems; and his baptismal name was Timothy. There is also a small account of Virginia by Jefferson, and an Epic by Joel Barlow—and some pieces of pleasantry by Mr Irving. But why should the Americans write books, when a six weeks' passage brings them, in their own tongue, our sense, science and genius, in bales and hogsheads? Prairies, steam-boats, grist-mills, are their natural objects for centuries to come. Then, when they have got to the Pacific Ocean—epic poems, plays, pleasures of memory, and all the elegant gratifications of an antient people who have tamed the wild earth, and set down to amuse themselves.—This is the natural march of human affairs.

The Americans, at least in the old States, are a very religious people: But there is no sect there which enjoys the satisfaction of excluding others from civil offices; nor does any denomination of Christians take for their support a tenth of produce. Their clergy, however, are respectable, respected, and possess no small share of influence. The places of worship in Philadelphia in 1810, were as follows—Presbyterian, 8; Episcopalian, 4; Methodists, 5; Catholic, 4; Baptist, 5; Quakers, 4; Fighting Quakers, 1

Lutheran, 3; Calvinist, 3; Jews, 2; Universalists, 1; Swedish Lutheran, 1; Moravian, 1; Congrelaticosualists, 1; Unitarians, 1; Covenanters, 1; Black Baptists, 1; Black Episcopalians, 1; Black Methodists, 2. The Methodists, Mr Palmer tells us, are becoming the most numerous sect in the United States.

Mr Fearon gives us this account of the state of religion at New York.

'Upon this interesting topic I would repeat, what indeed you are already acquainted with, that *legally* there is the most unlimited liberty. There is no state religion, and no government prosecution of individuals for conscience sake. Whether those halcyon days, which I think would attend a similar state of things in England, are in existence here, must be left for future observation. There are five Dutch Reformed churches: six Presbyterian; three Associated Reformed ditto; one Associated Presbyterian; one Reformed ditto; five Methodist; two ditto *for blacks;* one German Reformed; one Evangelical Lutheran; one Moravian; four Trinitarian Baptist; one Universalist; two Catholic; three Quaker; eight Episcopalian: one Jews' Synagogue; and to this I would add a small Meeting which is but little known, at which the priest is dispensed with, every member following what they call the apostolic plan of instructing each other, and "building one another up in their most holy faith." The Presbyterian and Episcopalian, or Church of England sects, take the precedence in numbers and in respectability. Their ministers receive from two to eight thousand dollars per annum. All the churches are well filled: they are the fashionable places for *display;* and the sermons and talents of the minister offer never-ending subjects of interest when social converse has been exhausted upon the bad conduct and inferior nature of *niggars,* (negroes); the price of flour at Liverpool; the capture of the *Guerrière;* and the battle of New Orleans. The perfect equality of all sects seems to have deadened party feeling: controversy is but little known.' *Fearon,* p. 45, 46.

The absence of controversy, Mr Fearon seems to imagine, has produced indifference; and he heaves a sigh to the memory of departed oppression. 'Can it be possible (he asks) that 'the non-existence of religious oppression has lessened religious 'knowledge, and made men superstitiously dependent upon 'outward form, instead of internal purity?' To which question, (a singular one from an enlightened man like Mr Fearon), we answer, that the absence of religious oppression has not lessened religious knowledge, but theological animosity; and made men more dependent upon pious actions, and less upon useless and unintelligible wrangling. *

* Mr Fearon mentions a religious Lottery for building a Presby-

The great curse of America is the institution of Slavery—of itself far more than the foulest blot upon their national character, and an evil which counterbalances all the excisemen, licensers, and tax-gatherers of England. No virtuous man ought to trust his own character, or the character of his children, to the demoralizing effects produced by commanding slaves. Justice, gentleness, pity, and humility, soon give way before them. Conscience suspends its functions. The love of command—the impatience of restraint, get the better of every other feeling; and cruelty has no other limit than fear.

"There must doubtless" (says Mr Jefferson), "be an unhappy influence on the manners of the people, produced by the existence of slavery among us. The whole commerce between master and slave, is a perpetual exercise of the most boisterous passions; the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives loose to the worst of passions; and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his morals and manners undepraved by such circumstances.' Notes, p. 241.—*Hall,* p. 459.

The following picture of a slave song is quoted by Mr Hall from the Letters on Virginia.

"I took the boat this morning, and crossed the ferry over to Portsmouth, the small town which I told you is opposite to this place. It was court day, and a large crowd of people was gathered about the door of the court-house. I had hardly got upon the steps to look in, when my ears were assailed by the voice of singing; and turning round to discover from what quarter it came, I saw a group of about thirty negroes, of different sizes and ages, following a rough-looking white man, who sat carelessly lolling in his sulkey. They had just turned round the corner, and were coming up the main street to pass by the spot where I stood, on their way out of town. As they came nearer, I saw some of them loaded with chains to prevent their escape; while others had hold of each other's hands, strongly grasped, as if to support themselves in their affliction. I particularly noticed a poor mother, with an infant sucking at her breast as she walked along, while two small children had hold of her apron on either side, almost running to keep up with the rest. They

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terian church. What will Mr Littleton say to this? he is hardly prepared, we suspect, for this union of Calvin and the Little Go Every advantage will be made of it by the wit and eloquence of his fiscal opponent;—Nor will it pass unheeded by Mr Bish.

came along singing a little wild hymn, of sweet and mournful melody, flying, by a divine instinct of the heart, to the consolation of religion, the last refuge of the unhappy, to support them in their distress. The sulkey now stopped before the tavern, at a little distance beyond the court-house, and the driver got out. " My dear Sir" (said I, to a person who stood near me), " can you tell me what these poor people have been doing? What is their crime? and what is to be their punishment?" " O" (said he), " it's nothing at all, but a parcel of negroes sold to Carolina; and that man is their driver, who has bought them." " But what have they done, that they should be sold into banishment?" " Done" (said he), " nothing at all that I know of; their masters wanted money, I suppose, and these drivers give good prices." Here the driver having supplied himself with brandy, and his horse with water (the poor negroes of course wanted nothing), stepped into his chair again, cracked his whip, and drove on, while the miserable exiles followed in funeral procession behind him."—*Hall*, 358—360.

The law by which slaves are governed in the Carolinas is a provincial law as old as 1710, but made perpetual in 1783. By this law it is enacted, that every negro shall be presumed a slave, unless the contrary appear. The 9th clause allows two justices of the peace and three freeholders, power to put them to any manner of death: The evidence against them may be without oath.—No slave is to traffic on his own account.—Any person murdering a slave is to pay 100*l*.—or 14*l*. if he cuts out the tongue of a slave.—Any white man meeting seven slaves together on an highroad, may give them twenty lashes each.—No man must teach a slave to write, under penalty of 100*l*. currency. We have Mr Hall's authority for the existence and enforcement of this law at the present day. Mr Fearon has recorded some facts still more instructive.

' Observing a great many coloured people, particularly females, in these boats, I concluded that they were emigrants, who had proceeded thus far on their route towards a settlement. The fact proved to be, that fourteen of the flats were freighted with human beings for sale. They had been collected in the several States by slave-dealers, and shipped from Kentucky for a market. They were dressed up to the best advantage, on the same principle that jockeys do horses upon sale. The following is a specimen of advertisements on this subject.

" TWENTY DOLLARS REWARD

" Will be paid for apprehending and lodging in jail, or delivering to the subscriber, the following slaves, belonging to JOSEPH IRVIN, of *Iberville*.—TOM, a very light Mulatto, blue eyes, 5 feet 10 inches high, appears to be about 35 years of age; an artful fellow—can read and write, and *preaches* occasionally.—CHARLOTTE, a black wench, round and full faced, tall, straight, and likely—about 25

years of age, and wife of the above named Tom.—These slaves decamped from their owner's plantation, on the night of the 14th September inst." *Fearon*, p. 270.

'The three "African churches," as they are called, are for all those native Americans who are black, or have any shade of colour darker than white. These persons, though many of them are possessed of the rights of citizenship, are not admitted into the churches which are visited by whites. There exists a penal law, deeply written in the *minds* of the whole white population, which subjects their coloured fellow-citizens to unconditional contumely and never-ceasing insult. No respectability, however unquestionable,—no property, however large,—no character, however unblemished, will gain a man, whose body is (in American estimation) *cursed* with even a twentieth portion of the blood of his African ancestry, admission into society!!! They are considered as mere Pariahs—as outcasts and vagrants upon the face of the earth! I make no reflection upon these things, but leave the facts for your consideration.'—*Ibid.* p. 168, 169.

That such feelings and such practices should exist among men who know the value of liberty, and profess to understand its principles, is the consummation of wickedness. Every American who loves his country, should dedicate his whole life, and every faculty of his soul, to efface this foul stain from its character. If nations rank according to their wisdom and their virtue, what right has the American, a scourger and murderer of slaves, to compare himself with the least and lowest of the European nations?—much more with this great and humane country, where the greatest lord dare not lay a finger upon the meanest peasant? What is freedom, where all are not free? where the greatest of God's blessings is limited, with impious caprice, to the colour of the body? And these are the men who taunt the English with their corrupt Parliament, with their buying and selling votes. Let the world judge which is the most liable to censure—We who, in the midst of our rottenness, have torn off the manacles of slaves all over the world,—or they who, with their idle purity, and useless perfection, have remained mute and careless, while groans echoed and whips clank'd round the very walls of their spotless Congress. We wish well to America—we rejoice in her prosperity—and are delighted to resist the absurd impertinence with which the character of her people is often treated in this country: But the existence of slavery in America is an atrocious crime, with which no measures can be kept—for which her situation affords no sort of apology—which makes liberty itself distrusted, and the boast of it disgusting.

As for Emigration, every man, of course, must determine for himself. A carpenter under 30 years of age, who finds himself

at Cincinnati with an axe over his shoulder, and ten pounds in his pocket, will get rich in America, if the change of climate does not kill him. So will a farmer who emigrates early with some capital. But any person with tolerable prosperity here, had better remain where he is. There are considerable evils, no doubt, in England: But it would be madness not to admit, that it is, upon the whole, a very happy country,—and we are much mistaken if the next 20 years will not bring with it a great deal of internal improvement. The country has long been groaning under the evils of the greatest foreign war we were ever engaged in; and we are just beginning to look again into our home affairs. Political economy has made an astonishing progress since they were last investigated; and every Session of Parliament brushes off some of the cobwebs and dust of our ancestors.* The Apprentice Laws have been swept away; the absurd nonsense of the Usury Laws will probably soon follow; Public Education and Saving Banks have been the invention of these last ten years; and the strong fortress of Bigotry has been rudely assailed. Then, with all its defects, we have a Parliament of inestimable value. If there be a place in any country where 500 well educated men can meet together and talk with impunity of public affairs, and if what they say is published, that country must improve. It is not pleasant to emigrate into a country of changes and revolution, the size and integrity of whose empire no man can predict. The Americans are a very sensible, reflecting people, and have conducted their affairs extremely well; but it is scarcely possible to conceive that such an empire should very long remain undivided, or that the dwellers on the Columbia should have common interest with the navigators of the Hudson and the Delaware.

England is, to be sure, a very expensive country; but a million of millions has been expended in making it habitable and comfortable; and this is a constant source of revenue, or, what is the same thing, a constant diminution of expense to every man living in it. The price an Englishman pays for a turnpike road is not equal to the tenth part of what the delay would cost him without a turnpike. The New River Company brings water to every inhabitant of London at an infinitely less price than he

* In a scarcity which occurred little more than 20 years ago, every judge, (except the Lord Chancellor, then Justice of the Common Pleas, and Serjeant Remington), when they charged the Grand Jury, attributed the scarcity to the combinations of the farmers; and complained of it as a very serious evil. Such doctrines would not now be tolerated in the mouth of a schoolboy.

could dip for it out of the Thames. No country, in fact, is so expensive as one which human beings are just beginning to inhabit;—where there are no roads, no bridges, no skill, no help, no combination of powers, and no force of capital.

How, too, can any man take upon himself to say, that he is so indifferent to his country that he will not begin to love it intensely, when he is 5000 or 6000 miles from it? And what a dreadful disease Nostalgia must be on the banks of the Missouri! Severe and painful poverty will drive us all anywhere: But a wise man should be quite sure he has so irresistible a plea, before he ventures on the Great or the Little Wabash. He should be quite sure that he does not go there from ill temper—or to be pitied—or to be regretted—or from ignorance of what is to happen to him—or because he is a poet—But because he has not enough to eat here, and is sure of abundance where he is going.

Art. VII. 1. *Rapport presenté à S. M. l'Empereur* ALEXANDRE, *par S. E. M.* LE COMTE DE CAPO D'ISTRIA, *sur les Etablissemens de M.* DE FELLENBERG *à Hofwyl, en Octobre* 1814. 8vo. Paschoud. Genève et Paris. 1814.

2. *Rapport sur l'Institut d'Education des Pauvres d'Hofwyl, redigé par M. A.* RENGGER, *ci-devant Ministre de l'Interieur de la Republique Helvetique, au Nom de la Commission etablie pour l'Inspection de l'Etablissement.* 8vo. Paschoud. Genève et Paris. 1814.

3. *Lettre de M.* CH. PICTET *à ses Collaborateurs de la Bibliothéque Britannique sur les Etablissemens de M.* FELLENBERG, *et specialement sur l'Ecole des Pauvres à Hofwyl.* 8vo. 1812. Mêmes Libraires.

4. *Lettre de M.* GAUTHERON *à M.* CH. PICTET *de Genève, sur la Fête celebré à Hofwyl le* 23 *Mai* 1807. *Tirée de la Bibliothéque Britannique, No.* 292, *de la Partie Agriculture.* 1808. Mêmes Libraires.

5. *Vues relatives à l'Agriculture de la Suisse, et aux Moyens de la perfectionner, par* EMANUEL FELLEMBERG.* *Traduit de l'Allemand par* CH. PICTET. 8vo. 1808. Mêmes Libraires.

The Institution to which these publications relate, though long famous on the Continent, has just begun to attract

* The name is Fellenberg; and so it is spelt in most of these tracts. This change is a Gallicism, and one of the most inexcuseable of any. Why will the French always change proper names, and on purpose?

notice in this country, in consequence of Mr Brougham's account of it in his evidence before the Education Committee, which is contained in the Third Report for 1818. At a time indeed when all men's minds are turned towards the great questions connected with the character and support of the Poor, with Universal Education and the Poor Laws, there is nothing more natural than that the first intimation of Mr Fellenberg's plans should powerfully interest the thinking part of the community. We have therefore deemed it right to procure the works referred to in Mr Brougham's evidence, as containing a complete account of the Establishment, together with one or two others; and we hasten to lay a statement of the most important particulars contained in them before our readers. We may premise, that the public is chiefly indebted to Mr Charles Pictet of Geneva for the access which these tracts afford to a knowledge of Hofwyl. Beside the pamphlets which bear his name, he appears (Mr B.'s Evidence, Rep. 184) to be also the author of the work published as the Count of Capo d'Istria's, and admitted to give the most full information of any.

Mr Fellenberg is the head of a most respectable patrician family of the canton of Berne; and possesses, about four miles from the city, an hereditary estate, sufficiently large for one of his station in that simple and frugal country; though trifling, indeed, if compared either with the domains of nobles in wealthier states, or with the great things which he has effected by the judicious disposition of it. His income is said not to exceed five hundred a year, were the property managed in the usual way. The land forms part of a beautiful plain surrounded by hills and interspersed with woods. The house and pleasure grounds are agreeably situated in the middle of the farms. Being naturally of a retired and contemplative disposition, fond of study, and peculiarly attached to agricultural pursuits, he early in life devoted himself to the praiseworthy objects of improving his estate by his own industry, and of making this occupation subservient also to the improvement of the poor in his neighbourhood. It is above twenty years since he first formed the plan, which in its completest execution now astonishes all who visit Hofwyl; but it has not been in full action above ten. In what follows, we must be understood as only giving a very general sketch of it. The distinguishing excellence of Mr Fellenberg's operations consists in the practical details which comprise an infinite variety of ingenious methods for economizing his resources, and gaining his ends by sure means. To enter fully into these, would exceed the bounds of this article; and indeed, it may be fairly questioned, if any description could

enable the reader, who had not been upon the spot, to form an adequate idea of the various processes.

The principal part of the Establishment, and that which forms the groundwork of the whole, is a farm of about 220 acres, which Mr Fellenberg has improved with great success, and continues to cultivate himself. It is here that the poor children are employed, to the number of between thirty and forty; and this may be said to be the branch to which all the others are more or less subordinate, and with which they have all some connexion. Those other banches are, an Academy for the sons of wealthier persons; an Agricultural Institute, connected with a small experimental farm; and a Manufactory of farming machinery and implements.

The Academy consists of fifty or sixty pupils, chiefly of patrician families; and when Mr Brougham was there, he found seven or eight German princes among them, besides several young nobles of that nation. These boys are taught every branch [illegible]gant and of useful learning, by the most eminent professors,—to obtain whose assistance, neither pains nor expense is spared. There are said to be about twenty of them, with salaries amounting to 2000 or 3000*l.* a year. The method of Professor Herbert, of beginning with Greek, and then proceeding to Latin, has been adopted with singular success. 'The rapid progress of the children,' says Mr Pictet, 'and the pleasure which they take in reading Homer, appears to justify this improvement.' In teaching the sciences, considerable aid is derived from the method of Pestalozzi, which consists in exercising the reasoning faculties more than is done by the ordinary plan of instruction, and in making the process of learning much less a matter of rote. The extreme rigour of Pestalozzi's plan, however, is avoided;—this resolves itself indeed into a banishment of all books from the school, and an exclusive reliance upon explanation and examination in the teacher's presence. Musick is taught, both theoretically and, to those who have a taste for it, practically. Gymnastic exercises, including the use of arms, carpentry and gardening, are added, rather as means of filling up the hours of relaxation; and, among other useful objects, little, if at all attended to elsewhere, care is taken to give by practice a just knowledge of bearings and distances, and every thing which is comprised in the phrase of *coup-d'œil*. The professors are described as eminent men in their several lines of study; and their moral character, as well as manners, are most particularly attended to in the appointments. Mr Pictet says, that the manifest harmony which reigns among them, and between master and pupil, are the best proofs that Mr Fellenberg

has succeeded in his selection. The character, the temper, and the habits of the young people, are the paramount object of the superintendence exercised sedulously over them at every moment of time, but so as never to oppress or annoy. The methods of preserving this watchful attention, and at the same time leaving the pupil free from any sense of restraint, are among those processes which no description can adequately represent. The great principle seems to be, an appeal to the well known force of habit, and a judicious variation of the pursuits and studies, united with a never-failing gentleness, and serenity of temper in the instructor and guardian. Care is also taken to admit new pupils only when all those upon the establishment are completely trained to the industrious and innocent pursuits of the place; so that this foundation being once laid, the labour of correcting the bad habits of the new-comers is greatly abridged; they fall more easily into the manners of their companions. The following is the testimony borne by a very accurate and unprejudiced observer; one indeed whose original prepossessions, or at least doubts, were all unfavourable to Mr Fellenberg's design.

'On n'emploie dans l'institut aucun des moyens ordinaires d'encouragement et de repression. Il n'y a ni premier ni dernier, ni prix ni médailles, ni châtimens humilians. Une récapitulation faite le samedi soir, en présence des élèves, par le professeur qui ne les quitte jamais, remplace les mobiles ordinaires d'émulation et de crainte. Mr Fellenberg y assiste. Dans cette séance, on reprend tous les motifs d'éloge ou de blâme pour chacun pendant la semaine. Le ton ferme et doux du professeur, le sentiment tout paternel qui inspire les remontrances et les exhortations, font une grande impression sur les élèves. Le redoublement des tâches pendant les heures destinées aux amusemens, est la seule punition qu'on emploie pour entretenir l'activité du travail. Tous les petits traits qui tiennent au caractère, et qui sont des occasions de louange ou de reprimande, trouvent leur place dans cette récapitulation. Les enfans se justifient avec liberté. On les écoute avec patience, et on les reprend avec douceur. Ils ne cédent point à l'autorité, mais à la confiance, à l'affection, à l'ascendant de la vérité, à l'opinion de leurs camarades, dont la direction est toujours bonne, parce que cette opinion est formée des élémens les plus sains.

'Une régle invariable dans la distribution du temps, dans tous les détails de la vie, rendent inutiles les moyens nécessaires ailleurs pour contraindre ou réprimer. Les enfans se sentent libres, parce qu'ils n'obéissent qu'à la force des choses, et que le caprice ne les atteint point. Sans jamais ressentir la gêne, ils éprouvent tous les bons effets de l'ordre, et en prennent le goût et l'habitude. Ils sont confians, ouverts, gais, heureux, car ils se sentent aimés. Quand ils font des sottises de leur âge, ils sont d'ordinaire les premiers à s'en accuser.

car un aveu libre, toujours reçu par l'affection et l'indulgence, affranchit l'enfant du tourment d'être mal avec lui-même et avec ses camarades.

' La petite famille n'a d'esprit de corps que pour le bien. Les élèves tiennent ensemble lorsqu'il s'agit de corriger un vice ou un défaut, de réparer un tort de l'un d'eux : pour le justifier, jamais. Cette conscience de tous est due au sentiment religieux qu'on s'attache à leur rendre habituel, par l'exemple, la réflexion et la prière; et cette disposition à seconder les maîtres dans la tâche de l'éducation, au lieu de faire ligue contr'eux, est le résultat de la conviction que le père qui les adoptés, et ses aides, n'ont rien tant à cœur que de les rendre bons et heureux.

' Il n'y a peut-être aucun institut d'éducation dans lequel on sache allier autant d'amusemens au travail, autant de liberté à la régle, et où les élèves aient plus d'occasions de se préparer à l'usage du monde par l'exemple des manières décentes et polies. La maison de Mr Fellenberg en est un modèle. Les élèves sont admis quelquefois dans des familles de Berne alliées ou amies, et distinguées par le meilleur ton. L'abord des étrangers est continuel ; ils viennent de tous les pays, et l'on peut dire que les jeunes gens qui habitent Hofwyl voyagent sans changer de place. Enfin les professeurs attachés aux instituts, et quelques-uns des maîtres, sont un fonds de société de la plus grande ressource, qui concourt à retenir les étrangers que la curiosité a attirés.' *Lettre de Pictet*, p. 12-15.

The sum paid for this most excellent and complete course of education, rising from the elements of grammar to the highest branches of mathematical and physical science, is only sixty pounds a year, which covers every expense, except that of clothes. The pupils eat at Mr Fellenberg's table, which is plentiful, yet simple; they are all treated in precisely the same manner, whatever be their rank; no sect is excluded, nor any nation,—except that we believe Mr F. very reluctantly admits French children,—not so much, in all probability, from any prejudices of his own, as from the necessity of yielding to those of his country, which, upon this matter, are as universal and as strong, as we must allow them to be natural and blameless. His disinterested and liberal spirit may be seen from the anecdote related of him, that when, during the troubles in Germany, and the ruin of several families whose children were under his care, no remittances could be expected for their support, he maintained and educated about a dozen of them for nothing, until, contrary to all probability, a change of fortune enabled them once more to perform the very easy conditions imposed upon the richer classes by the rules of the Establishment.

The Agricultural Institution consists of about twenty young gentlemen, more advanced in years, who have constant access to

the farm, as well as to the experimental farm, of about nine acres, attached to this branch of the Establishment. They are instructed also in the book-learning of the subject, and of the arts and sciences immediately connected with it. They assist at daily conferences upon the new methods to be employed,—the improvements of machinery,—in short, every thing that usually occupies an agricultural society; with this great difference, that they are on the spot, where every position may be brought to the test of actual experiment, and are surrounded by practical agriculturists, makers of farming implements, and operations on various scales constantly going on. These pupils pay about seventy pounds a year for all expenses, and live at a chateau about half a mile from the principal residence where Mr Fellenberg and the boys are, and where the laboratory, cabinets of natural history, and apparatus of natural philosophy, are also fixed.

The Manufactory of machinery and implements consists of two branches; one of common husbandry tools, as well as of those improved at Hofwyl; the other intended to carry on improvements in this essential article. The former furnishes a profit which defrays the expenses of the latter; for it not only supplies the farms, but leaves a surplus of machinery and tools for sale; it also instructs both the pupils of the Academy in the handicraft arts, the pupils of the Institution in those connected with agriculture, and the poor boys in the trades of blacksmith and wheelwright, which may in after life afford them a livelihood. At the experimental manufactory, great progress has been made. Mr Fellenberg early remarked, that the important object of improving agricultural machinery had never been pursued diligently and systematically: it was equally plain, that this could nowhere be accomplished with such advantages as in the neighbourhood of great farming operations and experiments, which might naturally suggest constant hints to the manufacturer, as well as receive the greatest benefit from his assistance. This rational plan has been attended with deserved success. Many valuable improvements have been made in machinery. Among others Mr Brougham mentions, with praise, a new horse-hoe and scarifier; and the Hofwyl drill-plough has received the commendations of the Board of Agriculture.

The most interesting branch, however, of this Establishment, is that which provides for the Education of the Poor. The principles upon which it is conducted, are unquestionably sound;—for they are founded in a perfect knowledge of human nature. That they will by some persons be thought chimerical, is equally unquestionable; because their application to practice

has been pushed a great deal further than necessity prescribes, and because Mr Fellenberg, operating upon a small scale, has been enabled to do much more for the objects of his care and bounty than will ever be attempted in an extensive concern. Yet we will venture to assert, that the basis of his plan is perfectly practical; and that his success clearly demonstrates the possibility of carrying his principles into effect in any required degree. The children upon whom his trials have been made, were taken from the worst classes of society:—all accounts agree in stating, that they have been thoroughly reformed, and brought to an eminent degree of excellence, in every respect,—while their labour has been all the while made a source of profit. This statement of the result is sufficient to justify us for giving a detailed account of the principles upon which their reformation has been carried on: And we cannot do this better, or more concisely, than by referring to Mr Brougham's evidence before the Education Committee.

'The branch of the establishment, however, which is more particularly deserving of attention, and with which all the others are more or less connected, is the seminary for the Poor. Mr F. having long remarked the extreme profligacy of the lowest orders in the Swiss towns, and the habits of ignorance and vice in which their children were brought up, formed, many years ago, the design of attempting their reformation, upon principles equally sound and benevolent His leading doctrine was, that to make those poor people better, it was necessary to make them more comfortable; and that this end would be best attained by forming, in their earliest years, habits of industry, which migh contribute to their subsistence, and by joining with them a greater degree of intellectual cultivation than has ever yet been extended to the labouring classes of the community, or been imagined to be compatible with their humble pursuits. He began his experiments upon a small number of children, which he has now increased to between thirty and forty; and this may be reckoned the utmost limit upon a farm of so moderate an extent. Those children were taken from the very worst description of society—the most degraded of the mendicant poor in Berne and other Swiss towns. With hardly any exception, they were sunk in the vicious and idle habits of their parents, a class of dissolute vagrants, resembling the worst kind of gipsies. The complete change that has been effected in them all, is one of the most extraordinary and affecting sights that can be imagined. When I saw them, there were some who had been there for several years, and had grown up towards manhood; but the reformation in almost all took place during from one to two years, or a very little more, according as they were taken at an earlier or a more advanced age. The remark which I made, is that which immediately strikes all who visit Hofwyl;—the appearance of the children alone, their countenance and manner,

impresses you with a conviction of their excellent dispositions. To describe all the steps of the process by which this reformation has been effected, would be impossible, as much depends on minute circumstances, and upon the great skill and judgment of Vehrli, a young man, who has devoted his life, under Mr Fellenberg, to the superintendence of this part of the establishment, and to whose extraordinary virtue and ability its success is principally owing. But I shall endeavour to give the Committee some idea of the mode of treatment pursued.

'The first principle of the system is to show the children gentleness and kindness, so as to win their affections, and always to treat them as rational creatures, cultivating their reason, and appealing to it. It is equally essential to impress upon their minds the necessity of industrious and virtuous conduct to their happiness, and the inevitable effects of the opposite behaviour, in reducing them from the comfort in which they now live to the state of misery from which they were rescued. A constant and even minute superintendence, at every instant of their lives, forms of course part of the system; and, as may easily be supposed, the elder boys, who have already profited by the care of the master, aid him in extending it to the new comers, who for this purpose are judiciously distributed among them. These are, I am aware, very general principles; and upon their judicious application to practice in each particular instance, according to the diversities of individual character, their whole virtue depends. But a somewhat more specific notion of the plan may be formed by observing, that it is never allowed for a moment to be absent from their thoughts, that manual labour, in cultivating the ground, is the grand and paramount care which must employ their whole lives, and upon which their very existence depends. To this every thing else is made subordinate; but with this are judiciously connected a variety of intellectual pursuits. At their hours of relaxation, their amusements have an instructive tendency; certain hours are set apart for the purposes of learning; and while at work in the fields, the conversation, without interrupting for a moment the necessary business of their lives, is always directed towards those branches of knowledge in which they are improving themselves during the intervals of labour. Beside writing and ciphering (at which they are very expert) they apply themselves to geography and history, and to the different branches of natural history, particularly mineralogy and botany, in which they take a singular delight, and are considerable proficients. The connexion of these with agriculture, render them most appropriate studies for those poor children; and as their daily labour brings them constantly into contact with the objects of those sciences, a double relish is thus afforded at once to the science and the labour. You may see one of them every now and then stepping aside from the furrow where several of them have been working, to deposit a specimen, or a plant, for his little hortus siccus, or cabinet; and Mr Fellenberg rarely goes into the field where any of them are labouring, without

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being called upon to decide some controversy that has arisen upon matters relating to mineralogy or botany, or the parts of chemical science which have most immediate relation to agriculture. There is one other subject which is ever present to their minds; I mean a pure and rational theology. Mr F. is deeply imbued himself with the sense of religion; and it enters into all his schemes for the improvement of society. Regarding the state of misery in which the poorest classes live, as rather calculated (if I may use his own expression) to make them believe in the agency of a devil than of a God, his first care, upon rescuing those children from that wretchedness, is to inspire them with the feelings of devotion which he himself warmly entertains, and which he regards as natural to the human heart, when misery has not chilled nor vice hardened it. Accordingly the conversation, as well as the habits of the poor at Hofwyl, partake largely of religious influence. The evidences of design observable in the operations of nature, and the benevolent tendency of those operations in the great majority of instances, form constant topics of discourse in their studies, and during the labours of the day; and though no one has ever observed the slightest appearance of fanaticism or of superstition (against which, in truth, the course of instruction pursued is the surest safeguard) yet ample testimony is borne by all travellers to the prevailing piety of the place. One of these has noted an affecting instance of it, when the harvest once required the labourers to work for an hour or two after night-fall, and the full moon rose in extraordinary beauty over the magnificent mountains that surround the plain of Hofwyl. Suddenly, as if with one accord, the poor children began to chant a hymn which they had learnt among many others, but in which the Supreme Being is adored as having "lighted up the great lamp of the night, and projected it in the firmament."' *Report*, p. 195, 196.

To this testimony we shall add that of another eyewitness, Mr C. Pictet, who has followed the progress of this Institution from the beginning.

'Le soin de développer la gaîté des élèves, de les maintenir sereins, alertes et actifs, est considéré comme très-important. Ils sont constamment caressés et prévenus; tout les invite à la confiance. Vehrli ne leur parle qu'en souriant. Il travaille avec eux, il lit, il cause, il chante avec eux; il leur conte des histoires, et ne les quitte dans aucun moment.

'Le travail et l'ordre, la douceur, une marche sage, égale et persévérante, triomphent de tous les obstacles moraux, de toutes les habitudes perverses. Ces enfans vagabonds, mendians, ou ramassés çà et là dans la plus profonde misère, mais accueillis et soignés avec une bonté affectueuse, instruits dans la pratique de leurs devoirs envers Dieu et envers leurs semblables, soumis à un travail continu, à une régle constante, et ne perdant pas une minute pour l'instruction, même dans leurs jeux, n'ont jamais eu besoin d'un seul châtiment pour être amenés à une conduite régulière.

'Un gagne-pain assuré dans une carrière où ils pourront mener une vie heureuse, est le legs que Mr Fellenberg prépare à ces enfans qu'il a adoptés. Il les destine à diriger des exploitations agricoles, ou seulement à faire de bons valets de campagne, selon leur degré de talent et d'activité. Leur principale occupation est donc de travailler à la terre. Tant que la saison et la température le permettent, ils sont occupés dans les champs à des ouvrages en rapport avec leur age et leurs forces. S'il fait mauvais temps, et pendant la saison rigoureuse, ils font des ouvrages en paille, ils tricotent, ils épluchent de la laine, ils trient et séparent les légumes, les racines destinées aux bestiaux ; ils s'exercent enfin aux diverses manières de se rendre utiles dans une grande exploitation.' *Lettre*, p. 19, 20.

After describing the habits of order which are carefully formed in the boys, and the exact taste for regularity and neatness which they acquire, without ever suffering their other pursuits or amusements in the least degree to interfere with it, he relates an anecdote, which serves to illustrate this.

'Mr Fellenberg, l'été dernier, passoit auprès d'un champ de colza, en tenant par la main un des petits pauvres, qui lui racontoit quelque chose avec beaucoup de vivacité. Tout-à-coup l'enfant s'interrompt, et lui échappe pour aller arracher une mauvaise herbe qu'il avoit découverte à une certaine distance, parmi le colza. Il vint ensuite reprendre le fil de sa narration, sans dire un seul mot de la chose qui l'avoit distrait.' *Lettre*, p. 21, 22.

The grand principle of this Institution is, that every thing must be kept subordinate to the main business of cultivating the ground; that whatever else can be learnt by the boys is so much clear gain; but that, before every thing, they must learn to support themselves by the labour of their hands. Of this occupation a pleasure is made, by the agreeable course of amusement and instruction with which it is combined.

'L'expérience a prouvé que sans nuire au principe qu'on leur inculque, de porter fortement leur attention sur le travail dont ils sont occupés, on peut en même temps les instruire sur un autre objet. Tout en sarclant la terre, ou en arrachant des mauvaises herbes, ils comptent à la manière de Pestalozzi, et ont ainsi appris à calculer avec facilité et promptitude. Pendant qu'ils sont occupés dans la maison, des travaux sédensaires, Vehrli leur fait des lectures prises dans des ouvrages moraux destinés aux enfans, et écrits du style le plus simple, ou bien il les interroge tour-à-tour sur le calcul, et sur d'autres objets de leur instruction, ou enfin il les fait chanter en parties des cantiques ou des chansons nationales.

'J'ai dit en parlant de l'institut des riches, que la musique entroit essentiellement dans l'instruction. Mr Fellenberg la considère comme un moyen d'éducation, comme une ressource auxiliaire précieuse pour adoucir le caractère et les passions malveillantes, pour mettre de l'harmonie entre les pensées et les sentimens, pour fortifier l'amour

de l'ordre et du beau, pour animer l'instinct qui attache l'homme à son pays, et pour élever vers le ciel son imagination et ses vœux. Tous les élèves apprennent donc la théorie de la musique, et sont exercés au chant. C'est le dimanche qu'on prend pour cette étude, ainsi que pour la lecture, l'écriture, le calcul à la plume, un peu de dessein, et de géométrie.

'Chaque matin avant le travail, chaque soir après qu'il est terminé, Vehrli cause avec les enfans, et Mr Fellenberg assiste le plus souvent à cet entretien. Le plan du travail de la journée, les avertissemens et les exhortations convenables, suivent la prière du matin. Le soir on leur fait les observations auxquelles les petits événemens de la journée ont donné lieu. On les encourage sur ce qui est digne d'éloges; on les reprend doucement sur leurs torts: on les affermit dans leurs bonnes résolutions; et la prière achève et sanctifie cet exercice salutaire.

'Quoique l'instruction positive soit, ainsi que je l'ai dit, subordonnée à la nécessité où sont ces enfans d'apprendre à gagner leur vie par le travail de leurs mains, les progrès ont été plus grands qu'on ne le croiroit possible en si peu de temps. Presque tous savent maintenant bien lire et écrire, un peu dessiner, estimer les angles, calculer de tête. et par les chiffres; chanter la note des airs simples, et tenir la mesure. Ils savent le nom, le caractère et les qualités de toutes les plantes cultivées à Hofwyl, de toutes les mauvaises herbes qui croissent dans les champs; ils connoissent également la nature des diverses pierres qu'on y trouve. Ils ont appris par cœur plus de cinquante hymnes, cantiques ou chansons nationales; plusieurs traits de l'Histoire sainte, et de l'histoire de la Suisse. Quelques-uns d'entr'eux sont exercés à rendre compte de ce qu'ils ont lû et entendu, et en entretiennent les autres.

'La gymnastique trouve aussi sa place dans leur education. La course, le saut, la natation, les équilibres, se succèdent dans les intervalles du travail; on les accoutume à grimper lestement sur les arbres, à faire des exercices militaires, et à marcher ensemble d'un pas réglé en chantant des airs nationaux. Rien n'égale leur gaité dans les jeux. Après avoir travaillé aux champs tout le jour, ils retrouvent leurs forces et leur agilité sur l'esplanade qui les rassemble le soir, et dans leurs bruyans ébats, lorsqu'abandonnés à eux-mêmes en toute liberté, ils se livrent à leur naturel, et parlent le langage propre à leur âge, ces mêmes enfans, dont plusieurs, en arrivant à Hofwyl, ne pouvoient pas dire une phrase sans y joindre des juremens, ne prononcent pas un mot qui soit répréhensible: tant l'exemple, et la régle les ont modifiés!' *Lettre,* p. 22-25.

The testimony borne to Mr Fellenberg's success in this truly enlightened and benevolent attempt, by the state of his accounts, is, if possible, more decisive, and may perhaps convince many whom no other evidence will influence. He shows his books freely to all visiters; to whom, indeed, every part of the esta-

blishment is open at all times. Mr C. Pictet has given the result for the year 1810, the last for which the balance was made out when he visited Hofwyl. The farm then yielded a clear gain of four per cent. upon the price of the land, reckoned at 62*l.* the acre, together with 24 per cent. upon the capital employed in cultivation. Mr Brougham states the profits, on an average of four years ending 1814, to have been above four pounds an acre, including the interest of the purchase-money paid for the land. The profits upon the cattle are kept out of this account; and also those which Mr Fellenberg derives from the dealing in horses, a source of considerable gain to him; for he generally sells them at an advance of six or seven pounds, after keeping and using them from the age of three to six.

The general opinion entertained of the plan is the last evidence of its success to which we shall resort. At first, all the neighbourhood, and particularly the Bernese government and grandees, regarded Mr Fellenberg as an enthusiast and a visionary, whose schemes would lead to his certain ruin. They began afterwards to change the mode of attack, when they saw those schemes succeeding;—they described him as a money-making person, and one who, under the appearance of benevolence, carried on plans of avarice. They generally considered the Academy as a peculiar source of profit; but, from what has been already stated, the reader may have perceived that this branch of the Establishment can do nothing more than bear its own expenses; and that, if the farming operations do not perform the rest, the whole must be in arrear. Yet every one admits that the design has in fact succeeded; that the land has been greatly improved; that marshes have been drained, and fine crops made to grow, where weeds only were seen before; that the poor labourers are bettered in condition, habits and acquirements; that everything goes on with the appearance of a flourishing and an improving concern, and that no debts are contracted, nor any difficulties of a pecuniary nature experienced. The Government have given no manner of assistance, not even countenance, to Mr Fellenberg—hardly protection. The patricians accuse him of lowering the dignity of their order, by leading what they term a *vie pedagogique*—that is, by devoting himself to the most dignified and virtuous of human pursuits, the propagation of virtue and communication of knowledge—instead of poring over a long pedigree of ancestors with cramp names, known at Berne and nowhere else,—or moving up and down the streets of that ancient and noble town, adorned with a stiff tail, and impeded by a long sword. Every discouragement is given to him by the constituted authorities; the

existence of his Institution is studiously concealed in the journals devoted to Government, as they all are in that free State. Not even the common notice of an arrival is allowed to be inserted, if the traveller is come to visit Hofwyl, although every such incident is sedulously chronicled, if the stranger only comes to see Berne, or to pass through it; and, upon one occasion, an open and direct interference of power was used to thwart this philanthropic person's most admirable plan of improving the condition, generally, of his native country. He had observed the want of sufficient knowledge, which deprived most Swiss schoolmasters of the means of usefulness. He had therefore bethought him of a compendious method by which this defect might be supplied. It was by assembling at Hofwyl all the teachers of the canton, and maintaining and instructing them during the three months of their holidays. Being men of industrious habits, and eagerly bent upon improving themselves, they made great progress; and, on their return home, they did not fail to pursue their studies with additional advantage, after the lights received at Hofwyl. The next summer Mr Fellenberg invited them to return; but the Bernese government, strangely and unaccountably, chose to take umbrage at this assemblage, and issued a decree to prohibit any schoolmaster from resorting thither. This signal folly was fortunate in its effects for the neighbouring cantons; *they* encouraged their teachers to avail themselves of Mr F.'s invitation; and he thus had the opportunity of spreading a better system of education for all ranks through many parts of Switzerland. It is only rendering justice to the liberality and acuteness of the literary circles in Geneva, to add, that he has, from the first, been warmly encouraged by their applause; and that some of their most distinguished members have uniformly exerted themselves, strenuously to promote the success of his benevolent designs. We need only mention M. de Bonstetten, in addition to the able and enlightened author of the works now before us.

The connexion between the seminary for the poor and the academy for the upper classes, has already been mentioned generally. It consists in the pains constantly taken to inculcate upon each their relative duties towards the other. The pupils of the academy, whatever be their rank or wealth, are sedulously taught, that their first duty is to use the means which Providence has placed at their disposal, in a way likely to prove beneficial to the less fortunate members of the community. Indiscriminate charity, almsgiving, endowing hospitals, bestowing pensions, and the various other modes of benevolence which are so praiseworthy in their origin and so hurtful in their tendency,

Mr Fellenberg by no means recommends. A charity founded on rational principles, as well as proceeding from amiable feelings, is alone patronized and exemplified at Hofwyl. The real good of the poor is consulted, and not their temporary relief; the task of maintaining them, or teaching them to obtain a maintenance by industry and frugality, is prescribed to the rich, and not the momentary gratification of compassionate feelings. This charity may truly be said to bless the giver as well as the receiver; it requires only his care and attention, without diminishing his resources; and the objects of it are rendered valuable to the community, happy in themselves, and grateful to benefactors, who have made them at once industrious and independent. The poor children live quite separate from the rich; but they are daily seen by them; and the progress of their improvement and their labour is noted. The method of reclaiming and of training them is taught; and unquestionably few of Mr Fellenberg's wealthier pupils will be likely to leave his Institution, without having imbibed a strong desire to carry its principles into operation in their own country.

We cannot help expressing our earnest wish that some more practical and minute knowledge of the system were obtained by our own countrymen than any which can be gleaned from such general descriptions as books afford. The translation of some of the works of which we have prefixed the titles to this article, would be of use; and we are not without hopes, that the statements in the foregoing pages may call to the subject the attention of the public. But much remains to be learnt, after all that books can tell, of methods necessarily consisting in minute details. These can only be well understood, so as to be transferred and adopted here, by being studied daily upon the spot. For example, the admirable system of economy which prevails, and enables Mr Fellenberg to do so much with such limited means, resolves itself into an endless variety of expedients; each trifling, when viewed separately,—but all of which, taken together, constitute the method required. In like manner, the plan pursued for reforming and training the poor children, consists of various processes and methods of treatment, which can only be learnt by actually seeing their operation. The pupils from Germany are sure to carry a practical knowledge of these matters into their own country; and if the system is only adopted in one instance, that knowledge will soon spread in proportion to its manifest usefulness. It is much to be wished that some of our countrymen, whose public spirit is proportioned to their means of serving the community, would devote a season or two

of recreation from other employments, to the important and not uninteresting business of visiting Hofwyl. It appears, from Mr Brougham's evidence, that they would be most cordially welcomed by Mr Fellenberg, who offered him every accommodation, when he intended to remain there a few weeks, for the purpose of studying the system minutely. A residence, however, of five or six months, would be necessary thoroughly to understand all the details; and the sending two or three young persons to the academy, would probably be the best means of importing a knowledge of all Mr Fellenberg's improvements into this country. Such an experiment would, at all events, be safe as well as easy. If it led to no practical results in favour of the poor, or the agriculture of this nation, it would be attended with no risk nor expense to the individuals. The boys would receive, perhaps, one of the best educations that Europe affords, at a very moderate price; and the strictest regard would be paid both to their health and their morals. There is much difficulty, however, in obtaining admission for pupils; and Mr B. mentions a journey undertaken, while he was in Switzerland, by the present King and Queen * of Wirtemberg, chiefly for the purpose of prevailing upon Mr Fellenberg to take one more youth from Germany, a young person of the highest rank, under his care. But it is to be expected that he may be induced to receive one or two English pupils, of whom he has hitherto had none, in the hopes of extending to this country the knowledge of those principles, the success of which he naturally feels a very warm anxiety to promote. We may add, that as German appears to be the language spoken in the Establishment generally, any person resorting thither only for a few months, to examine the methods used, will do well to make himself master of it first: but if boys are sent over, they will of course very soon learn it sufficiently to follow the routine of instruction.

In this article we have given our opinion as it really is, very much in favour of the principles upon which Mr Fellenberg proceeds. We deem them to be just and rational in themselves;—and in their application, we perceive, by the evidence of facts, that they have been practically successful. At the same time, we by no means intend to assert, that an attempt should all at once be made to carry them into effect upon a large scale; especially in populous, and, above all, in manufacturing and commercial districts, where their adoption must needs be limited, by various circumstances that do not enter into the calculations at Hofwyl.

* Formerly Grand Dutchess of Oldenberg, and sister of the Emperor Alexander.

All we desire is to see the *principles*, which are unquestionably both just and practical, received as they deserve, and applied with the necessary variations prescribed by diversities of situation. It may not be possible to effect—it may not be desirable to attempt—doing as much for the poor on a large, as Mr Fellenberg has done upon a small scale: But he has clearly shown how much may be performed for their improvement, not only without extravagant cost, but with a profit exactly proportioned to the benefit bestowed upon the objects of his care.

Art. VIII. *Plan of Parliamentary Reform, in the Form of a Catechism; with Reasons for each Article: With an Introduction, showing the Necessity of Radical, and the Inadequacy of Moderate Reform.* By Jeremy Bentham, Esq. 8vo. pp. . London. R. Hunter, 1817.

Disputes concerning the right of suffrage were longer unknown, and have formed a more inconsiderable subject of political discussion in England, than in any other Free State. In governments altogether republican, the right of choosing lawgivers, or of making laws, and the distribution of political privileges among various Magistrates and Councils, form the principal subject of contest between the several orders which compose the Commonwealth. But in England, which Montesquieu called 'a Republic disguised as a Monarchy,' these contests were prevented, by the general jealousy directed against the dangerous, though necessary power of the Crown. The peculiar nature of our Constitution for a long time engaged the whole force of the Friends of Liberty in struggles against an enemy of a singular kind, whom it was necessary always to watch, very often to resist, and yet never to destroy.—From Henry III. to George III. the grand question depending between the Crown and the People, has continued to be, whether the Government should be Parliamentary, or administered according to the judgment of one or more individuals, not amenable to justice, and often not answerable to public opinion, for their counsels and measures?—This question is, in other words, whether Montesquieu's description of our constitution be just,—whether it is to be administered on the principles of Popular Government, or according to the maxims of an uncontrolled Monarchy? The dispute, indeed, has assumed various forms. Sometimes the very being of Parliaments was threatened; the Crown sometimes encroached on their legislative power, but more frequently sought

for pecuniary resources independent of parliamentary grant.—These contests were, however, occasional: But one regal pretension never ceased; the kings of England always endeavoured to maintain their right to follow their own judgment, or that of private advisers, in the choice of ministers and measures; whilst the Parliament, seconded by the People, with equal constancy maintained that the prerogatives of the Crown, both in the choice of its servants, and in every other public act, was to be exercised by the advice of the Great Council which conveyed to the Throne the deliberate opinion of the Nation. This question arose in the most ancient times of our government. It was agitated for ages before those extravagant doctrines of Divine Right, Passive Obedience, and Indefeasible Inheritance, which flourished under the House of Stuart.

The original dispute has survived these absurdities. It now forms the indelible distinction between Whigs and Tories, and must continue to keep up similar parties as long as the British Constitution exists. In the course of this contest, the power of the Purse was the only pacific means, by which the House of Commons could establish or defend their authority as lawgivers, and their weight as counsellors of the Crown: and hence it has arisen that almost all our great disputes have immediately turned upon questions of pecuniary supply. On this ground, all the battles of Liberty have been fought, from the grant of the Great Charter to the declaration of American Independence.

It was not till after the victory of the Parliament over Charles the First, that symptoms of dissatisfaction with the constitution of the House of Commons began to manifest themselves. Complaints of the state of the representation, and projects for its amendment, were then employed by the agitators of the Parliamentary Army as a means of depriving the House of Commons of the popularity which was its main security against the Military Body.—It was on the 20th of January 1649, a few days before the death of the King, that the first plan of Parliamentary Reform was laid before the House of Commons, by some officers of the army, under the alluring title of 'An Agreement of the People.' It was composed by General Ireton, a memorable person, of eminent capacity for civil as well as military affairs, and who did not declare for a republic until he was persuaded that Charles had no intention but 'to regain by art what he had lost in fight.' *—In this paper it was proposed that the Commonwealth should be governed by a Re-

* Hutchinson, 293.—For his determination to resist the ambition of his father-in-law, Cromwell, see the same excellent work, 325.

presentative Assembly of four hundred persons, biennially elected, by all housekeepers assessed to the poor—not being servants or receiving wages. The smaller boroughs (with some capricious exceptions) were to be thrown into the counties. The cities and more considerable towns, together with the unrepresented towns of Manchester and Leeds, were to have separate representatives.

This was the first plan of Moderate reform:—and it was speedily succeeded by one of a different description. On the 1st of May 1649, the Levellers, who were charged with designs for equalizing property, published, but did not present to Parliament, *their* scheme of Parliamentary Reform, by which 'all men of the age of twenty-one years, not receiving alms or being servants, were, *according to natural* right, to have a voice in the election of Members of a Parliament to be annually chosen.' Thus arose the two systems; of which, the latter is the Radical Reform of our times, and the former proposes the most extensive of those changes, which are now comprehended under the name of Moderate Reform.

After the defeat of the revolts which followed the manifesto of the Levellers, the execution of their ringleaders, and the imprisonment of Overton and Lillburne, their project was speedily disregarded, and soon totally forgotten. The plan of Ireton was the groundwork on which the Parliament founded that system of representation, of which their dispersion by military force seems to have prevented the completion. Its principle was adopted by Cromwell's Parliament in 1654, but modified by the admission of many of the former boroughs and of the unrepresented town of Halifax.—The Parliaments were to be triennial:—Every man who had a real or personal estate of 200*l.* was to vote in counties, in addition to the forty-shilling freeholders; and the ancient rights were preserved in cities and towns.* His second Parliament were elected according to this system, which they did not alter.

It is somewhat remarkable, that in the thirty succeeding years of agitation and change, this subject should have so little occupied the attention of the great political writers, who, to the discredit of our age, are now unreasonably and ungratefully undervalued. The favourite plan of Milton was, that 'the Commonwealth should be ruled by a Senate chosen by the People

* Mr. Hume says, that 'an estate of 200*l.* was necessary to entitle *any one* to vote.' That this is a mistake, appears from the Resolution of that very independent House of Commons, 27th November 1654.

'for life.'—He is very solicitous to provide against 'a licen-'tious and unbridled Democracy, which in the ancient Repub-'lics ruined themselves by their own excessive power.' The propensities of the ingenious Harrington were also somewhat aristocratical. 'There is something,' he says, 'in the making and 'ruling a Commonwealth, which (though there be great divines, 'great lawyers, and great men in all professions) seems to be 'peculiar only to the genius of a Gentleman.' Whether Sydney preferred a republic to an honest and liberal administration of the English Government, is a question which cannot be decided by his resistance to Kings of Stuart character or principles. It is at least evident that democracy was not the object of his choice; and in his admirable writings we discover strong marks of the feelings, and even prejudices, of his noble descent. The passage in which Mr Locke regrets the state of the representation, affords the most decisive evidence that he contended for, or rather suggested, nothing more than the expediency of a moderate reform; and that he rejected those practical inferences, since drawn from the general language in which both he and Sydney had maintained the sacred rights of nations to resist and expel tyrants.

That passage* is a strong authority in favour of moderate Parliamentary Reform. The grievances which he complains of, are, unpeopled boroughs, and unrepresented populous towns: and his means of reformation consist in the revival of the Royal prerogative, of bestowing representation on such towns, as have become considerable.—Whether the great philosopher was consistent with himself, in not patronizing more extensive changes, may be a debateable question. That he did not, is most certain. The radical reformers cannot appeal to his writings, without destroying their authority, by showing that one part of them is inconsistent with another.

The subject of representation was almost unnoticed at the Revolution; and though, after that glorious triumph, the public jealousy, formerly confined to prerogative, began with great reason to be directed to the subserviency of Parliament, yet, during the fifty years which followed, the expedients proposed for the reduction of the growing influence of the Crown, were chiefly either an abridgement of the duration of Parliaments, or the exclusion of all or of some Placemen from the House of Commons. Carte, the Jacobite historian, inveighs against the representation of the smaller boroughs, and proposes to allow the freeholders of the hundreds to vote in them; both to pro-

* Locke on Civil Government, B. 2, chap. 13. sec. 157.

mote the ascendancy of the smaller landholders who then formed the strength of his party, and as one of the weapons with which Jacobites, in republican disguise, assailed the Government established at the Revolution. Two sentences of Hume and Blackstone comprehend all that we recollect on this subject before the death of George II.

The dispute with America about the connexion of Taxation and Representation, gave a new importance to these questions, and for the first time rendered them the subject of public discussion. Lord Chatham's famous speech in 1770, which proposed 'to infuse a new portion of health into the Constitution,' by an addition to county members, was the first suggestion of a specific reform made by a statesman in a place of authority.—Towards the end of the American war, the Government became generally unpopular; and its discredit was justly shared by a compliant Parliament. The waste of blood and treasure; the disgrace of our arms; the debility and distraction of our councils, were generally, and not without reason, imputed to the restoration of Toryism, and the unconstitutional principles which had prevailed from the beginning of the reign. Associations for retrenchment and economical reform were adopted in the principal counties of England; and on them, in many places, were grafted associations for Parliamentary Reform.

Projects of moderate reform were approved by Mr Fox, and introduced into Parliament by Mr Pitt,—where they were rejected by small majorities. They were at that time much more popular than at any antecedent or subsequent period, and were probably supported by a majority of those classes, among whom the integrity and intelligence of the nation are chiefly to be found.

Then, however, as now, the Whig party were divided on this important question,—though they all agreed that the Government ought to be Parliamentary, and that Parliament ought to be, in its feelings and principles, Popular. They had all concurred in the famous resolution of Mr Dunning in 1780, 'That the influence of the Crown has increased, is increasing, and ought to be diminished.'

The interest, and charges on the national debt, have, since the period of that resolution, been multiplied fourfold. The military, naval, colonial, and fiscal establishments have been augmented beyond any former example. Whether these augmentations are to be regarded as proofs of the subserviency of Parliament, or only as sources of new influence to the Crown, it equally follows, that the principle of Mr Dunning's resolution is more strongly applicable to the present state of the kingdom,

than it was to that which subsisted forty years ago. That the House of Commons has become less popular, and more subservient to the Crown than the great principles of the Constitution require, is indeed a proposition, about which there can be little difference of opinion among the ardent and zealous lovers of Liberty. * Agreed, however, as the Whigs were, respecting the nature, extent, and danger of the distemper, they differed as they still unfortunately do, about the efficacy and safety of the most celebrated remedies.

Many of them, persuaded that nothing could counteract the influence of the Crown, but a House of Commons formed on a wider basis, contended for shorter Parliaments, and more popular elections. Others of equal honesty and judgment, were of opinion, that short Parliaments would rather increase, than diminish the influence of the Crown; and that every change in the modes of elections, would prove either insignificant or dangerous. These differences reappeared when the same questions were agitated at the beginning of the French Revolution; though they were soon lost, in the wider differences, respecting measures of immediate practice, which followed. As soon as the Revolutionary war had ceased, which, by dissolving the Whig party, had thrown the Dictatorship into the hands of Mr Pitt, the greater part of those members of that party, who had been most zealous against change, returned to their old friends, and their ancient standard, with an eagerness and satisfaction which perfectly proved that the same steady and disinterested principles continued to actuate the men, and the families, who, for sixty years, had made the only effectual resistance to the power and policy of the Court. But they returned, with their opinions unchanged on the subject of Parliamentary reform, and with new claims on the confidence and attachment of their friends.

No such concurrence in opinion, or numerous support, or probability of success, had attended projects of reform, at their most favourable period, as to render it possible to make them the bond of union of a Parliamentary party. Mr Pitt in power, and Mr Fox in opposition, were, on this subject, alike resisted by the most distinguished of those who supported them on all others. Parliamentary parties, indeed, are generally formed, to support, or oppose, those ordinary measures of Government, in which every man must take a part. They are very much affected, by the spirit in which these measures are carried on,

* See Mr Burke's 'Thoughts on the Causes of the present Discontents;'—a work which was, is, and in its general principles, must ever continue to be, the creed of English Whigs.

and by the character, and general principles of those who conduct them. The same laws may be administered, harshly or leniently; narrowly or liberally. Religious liberty may be patronized or discouraged; the Press may be favoured or almost annihilated, without any breach, in either case, of the letter of the law. A government may be pacifick, or ambitious; frugal or prodigal; without passing the limits of its undisputed authority. These important differences, depend almost entirely upon the habits of thinking and acting of those who conduct public affairs.

To take an obvious example. Of two men whose general language regarding the British Constitution may be the same, one, become habitually fearful of popular tumult, long engaged perhaps in active hostility to revolutions originally popular, and haunted by the remembrance of their atrocities and horrors, will consent, on the slightest grounds, to the suspension of the Habeas Corpus:—while another, whose whole habits of thinking and feeling lead him to view that sacred right with the deepest affection and reverence,—accustomed incessantly to contemplate the miseries which have arisen from its absence in other countries, and the enormous abuses which never fail to attend its suspension even in our own,—cannot be brought, without great difficulty, if at all, to take away from the People this most effectual of all the securities which human wisdom has ever devised against oppression.

The whole difference between these two men, consists in habits of thinking and feeling: Yet, on the ascendant enjoyed by the one or the other, the character of the Administration must in a great measure depend. It is therefore on public, and not on ambitious grounds, that English parties are so essentially founded on personal confidence and attachment.—The cause of Reform must now, as heretofore, be left in Parliament to the judgment of individuals. It cannot form an article in the original contract of any party. It is too great a question, to admit of that sacrifice of private judgment, which the principle of party requires, and which may be well warranted, in the ordinary course of questions relating to the choice of men and measures.

It might at first, then, seem that discussions on this subject are, for the present at least, rather matters of ingenious speculation, than connected with the business and interest of the community. We own that we are of a different opinion.—Sixty years ago, the opinion of Parliamentary parties might be said to represent all the opinions of the nation. The case is now materially different. The number of those who take an interest in political affairs, has increased with a rapidity formerly unknown.

The Political Public has become not only far more numerous, but more intelligent, more ardent, more bold, and more active. During the last thirty years, its numbers have been increased, more perhaps than in any equal period since the Reformation, by the diffusion of knowledge, by the pressure of public distress, and by the magnitude of revolutions, sufficient to rouse an attention, which would have slumbered in the noiseless tenor of common events. The course of the late general election, has laid open much of this important change. It would be a mistake to estimate its extent, by the number of members whom it has placed in the House of Commons. In many places, it preserved the old members; in others, no popular candidates were to be found, only because no one had been sanguine enough to expect such a display of popular spirit. In many places it was kept in check by overpowering influence; in some, by respectable character. But no man has canvassed a county in England, who has not felt, that political opinions have penetrated into places where they never before reached. Those who think this an evil, and those who think it a good, are perfectly agreed in the fact.

We need not say that *we* consider it as a good. But whether it will, in the first instance, be productive of unmixt advantage to public liberty, will, we think, very much depend on the opinions permanently adopted by the majority of the people, respecting some general questions, and especially those connected with Parliamentary Reform. If these opinions should be irreconcileably repugnant to those of the educated and proprietary classes; if they should be such, as to preclude negociation, and render compromise impossible; if their plans of reform should be considered, by the experienced and instructed, as the road to inevitable destruction, the result will certainly be, not only to throw discredit upon all measures of reformation, but to endanger our ancient and hereditary liberties. We shall not only not improve the Constitution; but we shall hardly preserve it. In most other circumstances, it might be apprehended, that so wide a schism in society, such an impassable gulph opened between its different classes, would lead to a violent subversion of government. This, however, is not the evil which we think in this country most probable: But if such a principle as Universal Suffrage should once prevail among the laborious classes, a permanent animosity between opinion and property must be the consequence. Property, which has more influence in this country than it ever had in any other, will commonly prevail. A sullen submission is likely, however, to be interrupted by occasional acts of violence, more than enough to increase the fears and suspicions of the proprietors, until the Government,

at their entreaty, shall successively remove every restraint on authority, and all those safeguards of Liberty, which it has taken us six centuries to establish.

Human affairs, it is true, seldom follow that regular course which would be previously pointed out by probable reasoning. Unforeseen circumstances open new channels, and stop up the old. Opinions, too obstinate to be confuted, are insensibly worn out. But though we cannot foresee events, we may, and must, both argue and act upon tendencies. Though, therefore, the evils likely to arise from the prevalence of pernicious opinions will, we trust, be far less than they seem to us capable of producing, their tendency will at least justify us, in occasionally applying some part of our Review to the consideration of this subject.

As we address ourselves to reasonable minds, in the hope of removing or preventing error, we shall endeavour to do so, in a perfectly dispassionate tone. Of Universal Suffrage itself we must speak frankly,—firmly believing, that the adherence of any considerable body of the people to it, as a measure of Reform, tends to make reformation impossible, and liberty itself odious and terrible; to raise up a subject of difference between the higher and lower classes, about which no concessions, and no treaty are practicable; and ultimately to drive the nation to seek refuge in absolute government. We must freely say what we think we shall be able to prove;—but towards its partisans, we shall use no weapons, but those of argument.

With regret we see among their number ingenious and enlightened men, though none indeed who have had political experience. The name of Mr Bentham, prefixed to this article, will be sufficient to preserve our calmness. We highly honour his talents and character; and we should be utterly inexcusable, if we were not warned against intemperance and personality, by the example which a philosopher has unfortunately afforded in the volume before us. We feel the less reluctance to select Mr Bentham on this occasion, because his plan of reform is in truth no other than that of Major Cartwright, translated out of the pure and plain English, which is the good Major's only valuable quality as a writer, into the peculiar language of Mr Bentham, which his most judicious friends do not consider as his strongest part.

There are many passages, especially of his earlier writings, distinguished by significant and forcible language—by a diction at once nervous and precise—which conveys to the minds of his readers his opinions and sentiments, with the effect of true eloquence. But probably from the long habit of writing what he

had no intention immediately to publish, he appears to use words rather as remembrancers for his own use, than as the means of signifying his thoughts to others. The effect has been, a profusion of needless and uncouth terms of art, which may indeed give his writings an air of discovery, in the eyes of those to whom speculation is new, but which, for that reason among others, create more than a due prejudice against them, among the great majority of men of sense.

In discussion with him, we have the advantage of agreeing in a common principle. Like him, we consider utility as the test of every political institution: He is a greater enemy than we are, to those notions of natural right, which usually form so large a part of discussions on Reform. We are therefore delivered from the necessity of making any remarks on that part of the subject. The falsehood of the doctrine which represents Annual Parliaments and Universal Suffrage as the ancient legal right of the people of England, has already been proved by historical demonstration. At all events, the dispute must finally be decided by the principle of Utility; for though men should have a right to Universal Suffrage, it is evident that they ought to wave its exercise, if it cannot be exerted without mischief to themselves; and though our ancient laws should have established Universal Suffrage, it is equally certain that it ought not to be revived, if its revival would be injurious to society.

Before we enter on the argument, we wish to wave all advantage, which may be supposed to be possessed by those who defend established principles against untried projects. We shall compare different plans of representation, as if they were for the first time presented to the judgment and choice of a nation, borrowing no aid from the established system, but the experience with which it has supplied us. For that reason, we forbear to employ those arguments which have been founded on the supposed tendency of Universal Suffrage, to destroy the regal and aristocratical parts of the Constitution. The question which we are desirous of considering is, *whether it would be conducive to the liberties of the people.*

What mode of representation is most likely to secure the liberty, and consequently the happiness, of a community circumstanced like the people of Great Britain?—On the elementary part of this great question, it will be sufficient to remind the reader of a few undisputed truths.—The object of Government, is security against wrong. Most civilized governments, tolerably secure their subjects against wrong from each other. But to secure them, by laws, against wrong from the Government itself, is a problem of a far more difficult sort, which few nations have at-

tempted to solve,—and of which it is not so much as pretended that, since the beginning of History, more than one or two great states have approached the solution.

It will be univerally acknowledged, that this approximation has never been effected by any other means, than that of a Legislative Assembly, chosen by some considerable portion of the People. The direct object of a popular representation, is, that one, at least, of the bodies exercising the Legislative Power being dependent on the people by election, should have the strongest inducement to guard the interests, and to maintain the rights of the people.

For this purpose, it is not sufficient, that they should have the same general interests with the people; for every-government has, in truth, the same interests with its subjects. It is necessary, that the more direct and palpable interest, arising from election, should be superadded. In every legislative senate, the modes of appointment ought to be such, as to secure the nomination of members the best qualified, and the most disposed, to make laws conducive to the wellbeing of the whole community. In a Representative assembly this condition, though absolutely necessary, is not of itself sufficient. To understand the principles of its composition thoroughly, we must divide the people into classes, and examine the variety of local and professional interests of which the general interest is composed. Each of these classes must be represented by persons who will guard its peculiar interest, whether that interest arises from inhabiting the same district, or pursuing the same occupation,—such as traffic or husbandry, or the useful or ornamental arts. The fidelity and zeal of such representatives, are to be secured by every provision, which, to a sense of common interest, can superadd a fellow-feeling with their constituents. Nor is this all.—In a great State, even that part of the public interest which is common to all classes, is composed of a great variety of branches. A statesman should indeed have a comprehensive view of the whole: But no one man can be skilled in all their particulars. The same education, and the same pursuits, which qualify men to understand and regulate some branches, disqualify them for others. The Representative assembly must therefore contain,—some members peculiarly qualified for discussions of the Constitution and the Laws, others for those of Foreign Policy;—some for the respective interests of Agriculture, Commerce, and Manufactures;—some for Military affairs by sea and land, and some also who are conversant with the colonies and distant possessions of a great empire. It would be a mistake to suppose that the place of such representatives could

be supplied by witnesses examined on each particular subject. Both are not more than sufficient,—skilful witnesses occasionally, for the most minute information,—skilful representatives continually, to discover and conduct evidence, to enforce and illustrate the matters belonging to their department with the weight of those who speak on a footing of equality.

It is obvious, that as long as this composition is insured, it is for the present purpose a matter of secondary importance whether it be effected by direct or indirect means. To be a faithful representative, it is necessary that such an assembly should be numerous; that it should learn, from experience, the movements that agitate multitudes; and that it should be susceptible, in no small degree, of the action of those causes which sway the thoughts and feelings of assemblies of the people. For the same reason, among others, it is expedient that its proceedings should be public; and the reasonings on which they are founded, submitted to the judgment of mankind. These democratical elements are indeed to be tempered and restrained by such contrivances as may be necessary to maintain the order and independence of deliberation: But, without them, no assembly, however elected, can truly represent a people.

Among the objects of representation, two may, in an especial manner, deserve observation:—the qualifications for making good laws, and those for resisting oppression. Now, the capacity of an assembly to make good laws, evidently depends on the quantity of skill and information of every kind which it possesses. But it seems to be advantageous that it should contain a large proportion of one body of a more neutral and inactive character—not indeed to propose much, but to mediate or arbitrate in the differences between the more busy classes, from whom important propositions are to be expected. The suggestions of every man relating to his province, have doubtless a peculiar value: But most men imbibe prejudices with their knowledge; and, in the struggle of various classes for their conflicting interests, the best chance for an approach to right decision, lies in an appeal to the largest body of well-educated men, of leisure, large property, temperate character, and who are impartial on more subjects than any other class of men. An ascendancy, therefore, of landed proprieters must be considered, on the whole, as a beneficial circumstance in a representative body.

For resistance to oppression, it is peculiarly necessary that the lower, and, in some places, the lowest classes, should possess the right of suffrage. Their rights would otherwise be less protected than those of any other class: For some individuals of every other class, would generally find admittance into the Le-

gislature; or, at least, there is no other class which is not connected with some of its members. Some sameness of interest, and some fellow-feeling, would therefore protect every other class, even if not directly represented. But in the uneducated classes, none can either sit in a representative assembly, or be connected on an equal footing with its members. The right of suffrage, therefore, is the only means by which they can make their voice heard in its deliberations. They also often send to a representative assembly, members whose character is an important element in its composition. Men of popular talents, principles, and feelings; quick in suspecting oppression; bold in resisting it; not thinking favourably of the powerful; listening, almost with credulity, to the complaints of the humble and the feeble; and impelled by ambition, where they are not prompted by generosity, to be the champions of the defenceless. It is nothing to say, that such men require to be checked and restrained by others of a different character. This may be truly said of every other class. It is to no purpose to observe, that an assembly exclusively composed of them, would be ill fitted for the duties of legislation. For the same observation would be perfectly applicable to any other of those bodies which make useful parts of a mixed and various assembly.

In all political institutions, it is a fortunate circumstance, when legal power is bestowed on those who already possess a natural influence and ascendant over their fellow-citizens.—Wherever, indeed, the circumstances of society, and the appointments of law, are in this respect completely at variance, submission can hardly be maintained without the odious and precarious means of force and fear. Where law and nature coincide, government is most secure; and the people may be most free. But in a representative assembly, which exercises directly no power, and of which the members are too numerous to derive much individual consequence from their stations, the security and importance of the body, more than in any other case, depend on the natural influence of those who compose it. In this respect, talent and skill, besides their direct utility, have a secondary value of no small importance. Together with the other circumstances which command respect or attachment among men—with popularity, with fame, with property, with liberal education and condition—they form a body of strength, which no law could give or take away. As far as an assembly is deprived of any of these natural principles of authority, so far it is weakened, both for the purpose of resisting the usurpations of government, and of maintaining the order of society.

An Elective system tends also, in other material respects, to secure that free government, of which it is the most essential member. As it calls some of almost every class of men, to share in legislative power, and many of all classes to exercise the highest franchises, it engages the pride, the honour, and the private interest as well as the generosity, of every part of the community, in defence of the Constitution. Every noble sentiment, every reasonable consideration, every petty vanity, and every contemptible folly, are made to contribute towards its security. The performance of some of its functions, becomes part of the ordinary habits of bodies of men numerous enough to spread their feelings over great part of a nation.

Popular representation thus, in various ways, tends to make governments good, and to make good governments secure.—These are its primary advantages: But free, that is, just governments, tend to make men more intelligent, more honest, more brave, more generous. Liberty is the parent of genius, the nurse of reason, the inspirer of that valour which makes nations secure and powerful; the incentive to that activity and enterprise to which they owe wealth and splendour; the school of those principles of humanity and justice which bestow an unspeakably greater happiness, than any of the outward advantages of which they are the chief sources, and the sole guardians.

These effects of free government on the character of a people, may, in one sense, be called indirect and secondary; but they are not the less to be considered as among its greatest blessings: and it is scarcely necessary to observe, how much they tend to enlarge and secure the liberty from which they spring. But their effect will perhaps be better shown by a more particular view of the influence of popular elections on the character of the different classes of the community.

To begin with the higher classes.—The English Nobility, who are blended with the gentry by imperceptible shades, are the most opulent and powerful order of men in Europe. They are comparatively a small body, who unite great legal privileges with ample possessions, and names both of recent renown and historical glory. They have attained almost all the objects of human pursuit. They are surrounded with every circumstance which might seem likely to fill them with arrogance, to teach them to scorn their inferiors,—and might naturally be supposed to extinguish enterprise, and to lull every power of the understanding to sleep. What has preserved their character?—what makes them capable of serving or adorning their country as orators and poets, men of letters and men of business, in as great a proportion as in any equal number of the best educat-

ed classes of their countrymen? Surely only one solution can be given of these phenomena, peculiar to our own country.* Where all the ordinary incentives to action are withdrawn, a free constitution excites it, by presenting Political Power as a new object of pursuit. By rendering that power in a great degree dependent on popular favour, it compels the highest to treat their fellow-creatures with decency and courtesy; and disposes the best of them to feel, that inferiors in station may be superiors in worth, as they are equals in right. Hence chiefly arises that useful preference for country life, which distinguishes the English gentry from that of other nations. In despotic countries they flock to the Court, where all their hopes are fixed. But here, as they have much to hope from the people, they must cultivate the esteem, and even court the favour of their own natural dependants. They are quickened in the pursuit of ambition, by the rivalship of that enterprising talent, which is stimulated by more urgent motives. These dispositions and manners have become, in some measure, independent of the causes which originally produced them; and extend to many on whom these causes could have little operation. In a great body, we must allow for every variety of form and degree. It is sufficient that a system of extensive popular representation has, in a course of time, produced this general character, and that the English Democracy is the true preservative of the talents and virtues of the Aristocracy.

The effects of the Elective franchise upon the humbler classes, are, if possible, still more obvious and important. By it the peasant is taught to 'venerate himself as man;' to employ his thoughts, at least occasionally, upon high matters; to meditate on the same subjects with the wise and the great; to enlarge his feelings beyond the circle of his narrow concerns; to sympathize, however irregularly, with great bodies of his fellow-creatures; and sometimes to do acts which he may regard as contributing directly to the welfare of his country. Much of this good tendency is doubtless counteracted by other circumstances. The outward form is often ridiculous or odious.

* To be quite correct, we must remind the reader, that we speak of the character of the whole body, composed, as it is, of a small number. In a body like the French noblesse, amounting perhaps to a hundred thousand, many of whom were acted upon by the strongest stimulants of necessity; and, in a country of such diffused intelligence as France, it would have been a miracle if many had not risen to eminence in the state, and in letters, as well as in their natural profession of arms.

The judgments of the multitude are never exact, and their feelings often grossly misapplied: but, after all possible deductions, great benefits must remain. The important object is, that they should think and feel;—that they should contemplate extensive consequences as capable of arising from their own actions, and thus gradually become conscious of the moral dignity of their nature. Among the very lowest classes, where the disorders of election are the most offensive, the moral importance of the Elective franchise is, in some respects, the greatest. As individuals, they feel themselves of no consequence;—hence, in part, arises their love of numerous assemblies, the only scenes in which the poor feel their importance. Brought together for elections, their tumultuary disposition, which is little else than a desire to display their short-lived consequence, is gratified at the expense of inconsiderable evils. It is useful that the pride of the highest should be made occasionally to bend before them; that the greatest objects of ambition should be partly at their disposal: It teaches them to feel that *they* also are men. It is to the exercise of this franchise, by some bodies of our lowest classes, that we are to ascribe that sense of equality—that jealousy of right—that grave independence, and calm pride, which has been observed by foreigners as marking the deportment of Englishmen.

By thus laying open some of the particular modes in which representation produces its advantages to the whole community, and to its separate classes, we hope that we have contributed somewhat to the right decision of the practical question which now presents itself to our view.—Systems of election may be of very various kinds. The right of suffrage may be limited, or universal; it may be secretly, or openly exercised; the representatives may be directly, or indirectly, chosen by the people; and where a qualification is necessary, it may be uniform, or it may vary in different places. A variety of rights of suffrage is the principle of the English representation.—In the reign of Edward the First, as much as in the present moment, the Members for counties were chosen by freeholders; and those for cities and towns by freemen, burgage tenants, householders or freeholders. Now, we prefer this general principle of our representation to any uniform right of suffrage; though we think that, in the present state of things, there are many particulars which, according to that principle, ought to be amended. Our reasons for this preference are shortly these—Every uniform system which seriously differs from universal suffrage, must be founded on such a qualification, as to take away the Elective franchise from those portions of the inferior classes who now en-

joy it. Even the condition of paying direct taxes, would disfranchise many. The only reasonable ground, on which an uniform qualification of property could be founded, would be its tendency to secure the independence of the voter; but it is evident that such a principle, if pursued to its proper consequences, would disfranchise great multitudes of the present electors. After what we have already said, on the general subject of representation, it is needless for us to add, that we should consider such a disfranchisement as a most pernicious mutilation of the representative system. It has already been seen, how much, in our opinion, the proper composition of the House of Commons, the justice of the government and the morality of the people, depend upon the elections which would be thus sacrificed.

This tendency of an uniform qualification, is visible in the new French system. The qualification for the electors, is the annual payment of direct taxes to the amount of about 12*l.* When the wealth of the two countries is compared, it will be apparent that, in this country, such a system would be thought a mere aristocracy. In France, the result is a body of 100,000 electors: † and in the situation and temper of the French nation, such a scheme of representation may be eligible. But we mention it only as an example, that every uniform qualification, which is not altogether illusory, must incline towards independent property, as being the only ground on which it can rest. The reform of Cromwell had the same aristocratical character, though in a far less degree. It nearly excluded what is called the populace; and, for that reason, is commended by the most sagacious * of our Tory writers. An uniform qualification, in short, must be so high as to exclude true popular election, or so low, as to be liable to most of the objections which we shall presently offer against Universal Suffrage. It seems difficult to conceive how it could be so adjusted, as not either to impair the spirit of liberty, or to expose the quiet of society to continual hazard.

Our next objection to uniformity, is, that it exposes the difference between the proprietors and the indigent, in a way offensive and degrading to the feelings of the latter. The difference itself is indeed real, and cannot be removed; but in our present system, it is disguised under a great variety of usages: It is far from uniformly regulating the franchise, and, even where it does, this invidious distinction is not held out in its naked form.

† The population of France is now estimated at twenty-nine millions and a half.

* Clarendon, Hume, &c.

—No broad line of demarcation is drawn between the electors and the non-electors, disposing them to mutual animosity, and either degrading the latter class, or provoking them to dangerous excesses. It is something, also, that the system of various rights does not constantly thrust forward that qualification of property, which, in its undisguised state, may be thought to teach the people too exclusive a regard for wealth.

This variety, by giving a very great weight to property in some elections, enables us safely to allow an almost unbounded scope to popular feeling in others. While some have fallen under the influence of a few great proprietors, others border on universal suffrage. All the intermediate varieties, and all their possible combinations, find their place. Let the reader seriously reflect how all the sorts of men, who are necessary component parts of a good House of Commons, could on any other scheme find their way to it. We have already sufficiently animadverted on the mischief of excluding popular leaders. Would there be no mischief, in excluding those important classes of men, whose character unfits them for success in a canvass, or whose fortune may be unequal to the expense of a contest? A representative assembly, elected by a low uniform qualification, would fluctuate between country gentlemen and demagogues. Elected on a high qualification, it would probably exhibit an unequal contest between landholders and courtiers. All other interests would, on either system, be unprotected. No other class would contribute its contingent of skill and knowledge, to aid the deliberations of the Legislature.

The founders of new commonwealths must, we confess, act upon some uniform principle. A builder can seldom imitate, with success, all the fantastic but picturesque and comfortable irregularities, of an old mansion, which through a course of ages has been repaired, enlarged, and altered, according to the pleasure of various owners. This is one of the many disadvantages attendant on the lawgivers of infant states. Something, perhaps, by great skill and caution, they might do; but their wisdom is most shown, after guarding the great principles of Liberty, by leaving time to do the rest.

Though we are satisfied, by the above and by many other considerations, that we ought not to exchange our diversified elections for any general qualification, we certainly consider Universal Suffrage as beyond calculation more mischievous than any other uniform right. The reasons which make it important to liberty, that the elective franchise should be exercised by large bodies of the lower classes, do not in the least degree require that it should be conferred on them all. It is necessary to their security from

oppression, that the whole class should have some representatives; but as their interest is everywhere the same, representatives elected by one body of them, are necessarily the guardians of the rights of all. The great object of representation for them, is to be protected against violence and cruelty. Sympathy with suffering, and indignation against cruelty, are easily excited in numerous assemblies, and must either be felt or assumed by all their members. Popular elections generally ensure the return of some men, who shrink from no appeal, however invidious, on behalf of the oppressed. We must again repeat, that we consider such men as invaluable members of a House of Commons;—perhaps their number is at present too small. What we now maintain is, that, though elected by one place, they are in truth the representatives of the same sort of people in other places. Their number must be limited, unless we are willing to exclude other interests, and to sacrifice other most important objects of representation.

The exercise of the Elective franchise by some of the laborious classes, betters the character, raises the spirit, and enhances the consequence of all. An English farmer or artisan is more high-spirited and independent, than the same classes in despotic countries; but nobody has ever observed that there is in England a like difference between the husbandman and mechanic—who have votes, and who have not. The exclusion of the class degrades the whole; but the admission of a part bestows on the whole a sense of importance, and a hold on the estimation of their superiors. It must be admitted, that a small infusion of popular election would not produce these effects. Whatever might seem to be the accidental privilege of a few, would have no influence on the rank of their fellows. It must be considerable—and, what is perhaps still more necessary, it must be conspicuous—and forced on the attention by the circumstances which excite the feelings, and strike the imagination of mankind. The value of external dignity is not altogether confined to kings or senates. The people also have their majesty; and they too ought to display their importance in the exercise of their rights.

It is said, says Mr Horne Tooke in his Letter to Lord Ashburton—

'That "the all of one man is as dear to him, as the all of another man is to that other." But, my Lord, this maxim will not hold by any means; for a small all is not, for very good reasons, so dear as a great all. A small all may be lost and easily regained; it may very often, and with great wisdom, be risqued for the chance of a greater; it may be so small, as to be little or not at all worth defending or caring for. *Ibit eo qui zonam perdidit.* But a large all can never

be recovered: It has been amassing and accumulating, perhaps, from father to son for many generations; or it has been the product of a long life of industry and talents; or the consequence of some circumstance which will never return. But I am sure I need not dwell upon this. Without placing the extremes of fortune in array against each other, every man whose all has varied at different periods of his life, can speak for himself, and say, whether the dearness in which he held these different alls was equal. The lowest order of men consume their all daily, as fast as they acquire it.

'My Lord, justice and policy require that benefit and burthen, that the share of power, and the share of contribution to that power, should be as nearly proportioned as possible. If aristocracy will have all power, they are tyrants, and unjust to the people; because aristocracy alone does not bear the whole burthen. If the smallest individual of the people contends to be equal in power to the greatest individual, he too is, in his turn, unjust in his demands; for his burthen and contribution are not equal.

'Hitherto, my Lord, I have only argued against the *equality*;—I shall now venture to speak against the *universality*, of representation, or of a share in the government; for the terms amount to the same. Freedom and security ought surely to be equal and universal. But, my Lord, I am not at all backward to contend, that some of the members of a society may be *free* and *secure*, without having a share in the government. The happiness and freedom, and security of the whole, may even be advanced by the exclusion of some, not from freedom and security, but from a share in the government. My Lord, extreme misery, extreme dependence, extreme ignorance, extreme selfishness (I mean that mistaken selfishness which excludes all public sense), all these are just and proper causes of exclusion from a share in the government, as well as extreme criminality, which is admitted to exclude; for thither they all tend, and there they frequently finish.'

The question between us and Mr Bentham is, whether all interests will be best protected, where the representatives are chosen by all men,—or where they are elected by considerable portions only, of all classes of men. This question will perhaps be more clearly answered by setting out from examples, than from general reasonings. If we suppose Ireland to be an independent state, governed by its former House of Commons, it will at once be admitted, that no shadow of just government existed, where the Legislature were the enemies, instead of being the protectors of the Catholics, who formed a great class in the community. That this evil was most cruelly aggravated by the numbers of the oppressed, is true. But, will it be contended, that such a government was unjust, only because the Catholics were a majority? We have only then to suppose the case reversed;—that the Catholics were to assume the whole power, and to retaliate upon

the Protestants, by excluding them from all political privilege. Would this be a just or equal government? That will hardly be avowed. But what would be the effect of establishing Universal Suffrage in Ireland? It would be, to do that in substance, which no man would propose in form. The Catholics, forming four-fifths of the population, would, as far as depends on laws, possess the whole authority of the State. Such a government, instead of protecting all interests, would be founded in hostility to that which is the second interest in numbers, and in many respects the first. The oppressors and the oppressed would, indeed, change places. We should have Catholic tyrants, and Protestant slaves:—But our only consolation would be, that the island would contain more tyrants, and fewer slaves.

If there be persons who believe that majorities have any power over the eternal principles of justice, or that numbers can in the least degree affect the difference between right and wrong, it would be vain for us to argue against those with whom we have no principles in common. To all others it must be apparent, that a representation of *classes* might possibly be so framed as to secure both interests; but that a representation of numbers must enslave the Protestant minority. That the majority of a people may be a tyrant as much as one or a few, is most apparent in the cases where a state is divided, by conspicuous marks, into a permanent majority and minority. Till the principles of Toleration be universally felt, as well as acknowledged, Religion will form one of these cases. Till reason and morality be far more widely diffused than they are, the outward distinctions of colour and feature will form another, more pernicious, and less capable of remedy. Does any man doubt, that the establishment of Universal Suffrage, among emancipated slaves, would be only another word for the oppression, if not the destruction, of their former masters? But is slavery itself really more unjust, where the slaves are a majority, than where they are a minority? or may it not be said, on the contrary, that to hold men in slavery is most inexcusable, where society is not built on that unfortunate foundation, where the supposed loss of their labour would be an inconsiderable evil, and where no danger could be pretended from their manumission? Is it not apparent, that the lower the right of suffrage descends in a country, where the whites are the majority, the more cruel would be the oppression of the enslaved minority? An aristocratical legislature might consider, with some impartiality, the disputes of the free and of the servile labourers; but a body, influenced chiefly by the first of these rival classes, must be the oppressors of the latter.

These, it may be said, are extreme cases:—They are selected for that reason. But the principle which they strikingly illustrate, will, on a very little reflection, be found applicable in some degree to all communities of men.

The labouring classes are in every country a perpetual majority. The diffusion of education will doubtless raise their minds, and throw open prizes for the ambition of a few, which will spread both activity and content among the rest. But in the present state of the population and territory of European countries, the majority of men must earn their subsistence by daily labour. Notwithstanding local differences, persons in this situation have a general resemblance of character, and sameness of interest. Their interest, or what they think their interest, may be at variance with the real or supposed interests of the higher orders. If they are considered as forming, in this respect, one class of society, a share in representation may be allotted to them, sufficient to protect their interest, compatible with the equal protection of the interests of all other classes, and regulated by a due regard to all the qualities which are required in a well-composed legislative assembly. But, if representation be proportioned to numbers alone, every other interest in society is placed at the disposal of the multitude. No other class can be effectually represented; no other class can have a political security for justice; no other can have any weight in the deliberations of the Legislature. No talents, no attainments, but such as recommend men to the favour of the multitude, can have any admission into it. A representation so constituted, would produce the same practical effects, as if every man whose income was above a certain amount, were excluded from the right of voting. It is of little moment to the proprietors, whether they be disfranchised, or doomed, in every election, to form a hopeless minority.

Nor is this all. A representation, founded on numbers only, would be productive of gross inequality in that very class to which all others are sacrificed. The difference between the people of the country and those of towns, is attended with consequences which no contrivance of law can obviate. Towns are the nursery of political feeling. The frequency of meeting, the warmth of discussion, the variety of pursuit, the rivalship of interest, the opportunities of information, even the fluctuations and extremes of fortune, direct the minds of their inhabitants to public concerns, and render them the seats of republican governments, or the preservers of liberty in monarchies. But if this difference be considerable among edu-

cated men, it seems immeasurable when we contemplate its effects on the more numerous classes. Among them, no strong public sentiment can be kept up without numerous meetings. It is chiefly when they are animated by a view of their own strength and numbers,—when they are stimulated by an eloquence suited to their character,—and when the passions of each are strengthened by the like emotions of the multitude which surround him, that the thoughts of such men are directed to subjects so far from their common callings as the concerns of the commonwealth. All these aids are necessarily wanting to the dispersed inhabitants of the country, whose frequent meetings are rendered impossible by distance and poverty; who have few opportunities of being excited by discussion or declamation, and very imperfect means of correspondence or concert with those at a distance.

An agricultural people is generally submissive to the laws, and observant of the ordinary duties of life,—but stationary and stagnant, without the enterprise which is the source of improvement, and the public spirit which preserves liberty. If the whole political power of the State, therefore, were thrown into the hands of the lowest classes, it would be really exercised only by the towns. About two-elevenths of the people of England, inhabit towns which have a population of ten thousand souls or upwards. A body so large, strengthened by union, discipline, and spirit, would without difficulty domineer over the lifeless and scattered peasants. In towns, the lower part of the middle classes are sometimes tame; while the lowest class are always susceptible of animation. But the small freeholders, and considerable farmers, acquire an independence from their position, which makes them very capable of public spirit.—While the classes below them are incapable of being permanently rendered active elements in any political combination, the dead weight of their formal suffrages would only oppress the independent votes of their superiors. All active talent would, in such a case, fly to the towns, where alone its power could be felt. The choice of the country would be dictated by the cry of the towns, wherever it was thought worth while to take it from the quiet influence of the resident proprietors. The country itself would be divided into a number of provinces, dependent on the democracies of the towns. Perhaps the only contrivance, which can in any considerable degree remedy the political inferiority of the inhabitants of the country to those of towns, has been adopted in the English Constitution, which, while it secures an ascendant of landholders in the Legislature, places the disposal of its most honoured and en-

vied seats in the hands of the lowest classes among the agricultural population, who are capable of employing the right of suffrage with spirit and effect.

They who think representation chiefly valuable, because whole nations cannot meet to deliberate in one place, have formed a very low notion of this great improvement. It is not a contrivance for conveniently collecting or blindly executing all the pernicious and unjust resolutions of ignorant multitudes. To correct the faults of democratical government, is a still more important object of representation, than to extend the sphere to which that government may be applied. It balances the power of the multitude by the influence of other classes; it substitutes skilful lawgivers for those who are utterly incapable of any legislative function; and it continues the trust long enough to guard the Legislature from the temporary delusions of the people. By a system of Universal Suffrage and Annual Elections, all these temperaments would be destroyed. The effect of crowded population in increasing the intensity and activity of the political passions, is extremely accelerated in cities of the first class. The population of London and its environs is nearly equal to that of all other towns in England of or above ten thousand souls. According to the principle of Universal Suffrage, it would contain about two hundred and fifty thousand electors; and send fifty-five members to Parliament. This electoral army would be occupied for the whole year in election or canvass, or in the endless animosities in which both would be fertile. A hundred candidates for their suffrages would be daily employed in inflaming their passions. No time for deliberation; no interval of repose in which inflamed passions might subside, could exist. The representatives would naturally be the most daring, and, for their purposes, the ablest of their body. They must lead or overawe the Legislature. Every transient delusion, or momentary phrensy of which a multitude is susceptible, must rush with unresisted violence into the representative body. Such a representation would differ in no beneficial respect from the wildest democracy. It would be democracy clothed in a specious disguise, and armed with more effective instruments of oppression,—but not wiser or more just than the democracies of old, which Hobbes called ' an *aristocracy* of orators, sometimes interrupted by the *monarchy* of a single orator.'

It may be said that such reasonings suppose the absence of those moral restraints of property and opinion which would temper the exercise of this, as well as of every other kind of suffrage. Landholders would still influence their tenants—farmers their labourers, artisans and manufacturers those whom

they employ:—property would still retain its power over those who depend on the proprietor.

To this statement we in some respects accede,—and on it we build our last and most conclusive argument against Universal Suffrage. It is true, that in very quiet times a multiplication of dependent voters would only augment the influence of wealth. If votes were bestowed on every private soldier, the effect would be only to give a thousand votes to the commanding officer who marched his battalion to the poll. Whenever the people felt little interest in public affairs, the same power would be exercised by every master through his dependants. The traders who employ many labourers in great cities would possess the highest power;—the great consumers and landholders would engross the remainder;—the rest of the people would be insignificant. As the multitude is composed of those individuals who are most incapable of fixed opinions, and as they are, in their collective capacity, peculiarly alive to present impulse, there is no vice to which they are so liable as inconstancy. Their passions are quickly worn out by their own violence. They become weary of the excesses into which they were plunged. Lassitude and indifference succeed to their fury, and are proportioned to its violence. They abandon public affairs to any hand disposed to guide them. They give up their favourite measures to reprobation, and their darling leaders to destruction. Their acclamations are often as loud around the scaffold of the demagogue, as around his triumphal car.

Under the Elective system, against which we now argue, the opposite evils of too much strengthening wealth, and too much subjecting property to the multitude, are likely, by turns, to prevail. In either case, it may be observed that the power of the middle classes would be annihilated. Society, on such a system, would exhibit a series of alternate fits of phrensy and lethargy. When the people were naturally disposed to violence, the mode of election would inflame it to madness. When they were too much inclined of themselves to listlessness and apathy, it would lull them to sleep. In these, as in every other respect, it is the reverse of a wisely constituted representation, which is a restraint on the people in times of heat, and a stimulant to their sluggishness when they would otherwise fall into torpor. This even and steady interest in public concerns, is impossible on a scheme which, in every case, would aggravate the predominant excess.

It must never be forgotten, that the whole proprietary body must be in a state of permanent conspiracy against an extreme democracy. They are the natural enemies of a constitution, which

grants them no power and no safety. Though property is often borne down by the torrent of popular tyranny, yet it has many chances of prevailing at last. Proprietors have steadiness, vigilance, concert, secrecy, and, if need be, dissimulation. They yield to the storm:—they regain their natural ascendant in the calm. Not content with persuading the people to submit to salutary restraints, they usually betray them, by insensible degrees, into absolute submission.

If the Commonwealth does not take this road to slavery, there are many paths that lead to that state of perdition. A Demagogue seizes on that despotic power for himself, which he for a long time had exercised in the name of his faction. A victorious General leads his army to enslave their country; and both these candidates for tyranny too often find auxiliaries in those classes of society who are at length brought to regard absolute monarchy as an asylum; for, wherever property is not allowed a great weight in a free state, it will destroy liberty. In either case, too, the inconstant rabble follow their leader with as loud acclamations to the Dictator's seat, as when he led them against the Senate. They delight in the power of him who seems to be their own work. The history of popular clamour, even in England, is enough to show that it is easy sometimes to work the populace into 'a sedition for slavery.'

These obvious consequences have disposed most advocates of Universal Suffrage to propose its combination with some other ingredients, by which, they tell us, that the poison will be converted into a remedy. The composition now most in vogue is its union with a Ballot. Before we proceed to the consideration of that proposal, we shall bestow a few words on some other plans which have been adopted or proposed, to render uniform popular election consistent with public quiet. The most remarkable of these are that of Mr Hume, where the freeholders and the inhabitants assessed to the poor, elect those who are to name the members of the Supreme Council;—that lately proposed in France, where a popular body would propose candidates, from whom a small number of the most considerable proprietors would select the representatives;—and the singular plan of Mr Horne Tooke, which proposed to give the right of voting to all persons rated to the land-tax or parish-rates at 2*l.* 2s. per annum, on condition of their paying to the public 2*l.* 2s. at the time of voting; but providing, that if the number of voters in any district fell short of four thousand, every man rated at 20*l.* per annum might give a second vote, on again paying the same sum; and making the same provision, in case of the same failure, for third, fourth, fifth, &c. votes for every ad-

ditional 100*l*. at which the voter is rated, till the number of four thousand votes for the district should be completed.

This plan of Mr Tooke is an ingenious stratagem for augmenting the power of wealth, under pretence of bestowing suffrage almost universally. To that of M. Hume it is a decisive objection, that it leaves to the people only those subordinate elections which would excite no interest in their minds, and would consequently fail in attaining one of the principal objects of popular elections. All schemes for separating the proposition of candidates for public office from the choice of the officers, become in practice a power of nomination in the proposers. It is easy to leave no choice to the electors, by coupling the favoured candidates with none but such as are absolutely ineligible. Yet one reasonable object is common to these projects. They all aim at subjecting elections to the joint influence of property and popularity. In none of them is overlooked the grand principle of equally securing all orders of men, and interesting all in the maintenance of the Constitution. It is possible that any of them might be in some measure effectual; but it would be an act of mere wantonness in *us* to make the experiment. By that variety of rights of suffrage which seems so fantastic, the English Constitution has provided for the union of the principles of property and popularity, in a manner much more effectual than those which the most celebrated theorists have imagined. Of the three, perhaps the least unpromising is that of Mr Tooke, because it approaches nearest to the forms of public and truly popular elections.

In the system now established in France, where the right of suffrage is confined to those who pay direct taxes amounting to twelve pounds by the year, the object is evidently to vest the whole power in the hands of the middling classes. The Royalists, who are still proprietors of the greatest estates in the kingdom, would have preferred a greater extension of suffrage, in order to multiply the votes of their dependants. But, as the subdivision of forfeited estates has created a numerous body of small land-owners, who are deeply interested in maintaining the new institutions, the law, which gives them almost the whole elective power, may on that account be approved as politic. As a general regulation, it is very objectionable.

If we were compelled to confine all elective influence to one order, we must indeed vest it in the middling classes; both because they possess the largest share of sense and virtue, and because they have the most numerous connexions of interest with the other parts of society. It is right that they should have a preponderating influence, because they are likely to make the best choice.

But that is not the sole object of representation; and, if it were, there are not wanting circumstances which render it unfit that they should engross the whole influence. Perhaps there never was a time or country in which the middling classes were of a character so respectable and improving as they are at this day in Great Britain; but it unfortunately happens, that this sound and pure body have more to hope from the favour of Government, than any other part of the nation. The higher classes may, if they please, be independent of its influence. The lower are almost below its direct action. On the middling classes, it acts with concentrated and unbroken force. Independent of that local consideration, the virtues of that excellent class are generally of a circumspect nature, and apt to degenerate into timidity. They have little of that political boldness which sometimes belongs to commanding fortune, and often, in too great a degree, to thoughtless poverty. They require encouragement and guidance from higher leaders; and they need excitement from the numbers and even turbulence of their inferiors. The end of representation is not a medium between wealth and numbers, but a combination of the influence of both. It is the result of the separate action of great property, of deliberate opinion, and of popular spirit, on different parts of the political system.

'That principle of representation,' said Mr Fox, 'is the best which calls into activity the greatest number of independent votes, and excludes those whose condition takes from them the powers of deliberation.' But even this principle, true in general, cannot be universally applied. Many who are neither independent nor capable of deliberation, are at present rightly vested with the elective franchise,—not because they are qualified to make a good general choice of members,—but because they indirectly contribute to secure the good composition and right conduct of the Legislature. *

* Even Mr Bentham admits a principle of exception to the universality of suffrage. Wherever any class wants 'the appropriate intellectual aptitude,' he admits that they may be excluded, 'without prejudice to the interest-comprehension principle.' It follows also, that they may be excluded if they want morality, and if they want the capacity to choose the best guides, or the disposition to follow the wisest counsel. He hesitates about the admission of female electors. Not surely because women want sense or virtue, nor chiefly for their dependence—but for domestic peace, for the sake of the duties of their sex—of the character best adapted to the performance of those duties. He proposes also to exclude those who cannot read. If he confines suffrage to males, he must admit that multitudes of persons well

The question of Ballot remains. On ballot the advocates of Universal Suffrage seem exclusively to rely for the defence of their scheme. Without ballot, they appear tacitly to admit that Universal Suffrage would be an impracticable and pernicious proposal. But all males in the kingdom, it is said, may annually vote at elections with quiet and independence, if a ballot enables them to give their votes secretly. Whether this expectation be reasonable, is the question on which the decision of the dispute seems now to depend.

The first objection to this proposal is, that ballot would not produce secrecy. Even in those classes of men who are most accustomed to keep their own secret, the effect of ballot is very unequal and uncertain. The common case of clubs, in which a small minority is generally sufficient to exclude a candidate, may serve as an example. Where the club is numerous, the secret may be kept, as it is difficult to distinguish the few who reject; but in small clubs, where the dissentients may amount to a considerable proportion of the whole, they are almost always ascertained. The practice, it is true, is, in these cases, still useful; but it is only because it is agreed by a sort of tacit convention, that an exclusion by ballot is not a just cause of offence. It prevents quarrel, not disclosure. In the House of Commons, Mr B. allows that ballot does not secure secrecy or independent choice. The example of the elections at the India House, is very unfortunately selected. For every thing which a ballot is supposed to prevent is to be found in these elections:—public and private canvass, the influence of personal friendship, connexion, gratitude, expectation; promises almost universally made and observed; votes generally if not always known; as much regard, indeed, to public grounds of preference as in

qualified to make a good choice, may be excluded for the sake of other interests of society. The non-readers must be excluded; either, 1*st*, for a presumed incapacity in the ignorant to choose well; or, 2*dly*, to induce the people to acquire knowledge. Either of these principles would let in many other exclusions, in our opinion far too extensive. Against the second we altogether protest. We would exclude no man merely as a probable means of promoting improvement. Mr B., on this one occasion, takes into his account 'collateral effects.' Had he considered the secondary consequences of political institutions with the same care as he has done those of criminal acts, we cannot think it possible that we should have dissented so widely from his opinion. The consideration of 'collateral effects' might have prevented some suggestions (p. 98) which only Mr B.'s enemies will ever quote without necessity.

most other bodies; but scarcely any exclusion of private motives, unless it be the apprehension of incurring resentment, which is naturally confined within narrow limits, by the independent condition of the greater part of the electors. In general, indeed, they refuse the secrecy which the Legislature seems to tender to them. From kindness, from esteem, from other motives, they are desirous that their votes should be known to candidates whom they favour: and what is disclosed to friends, is speedily discovered by opponents.

If the ballot should be thought a less offensive mode of voting against an individual than the voice, this slight advantage is altogether confined to those classes of society who have leisure for such fantastic refinements. In these cases, indeed, the efficacy of ballot is counteracted by obvious causes. But are none such likely, or rather sure, to act on the two millions of voters who would be given to us by universal suffrage? Let us examine them closely. Will the country labourer ever avail himself of the proffered means of secrecy? To believe this, we must suppose that he performs the most important act of his life, that which most flatters his pride, and gratifies his inclination, without speaking of his intention before, or boasting of his vote when he has given it. His life has no secrets. The circle of his village is too small for concealment. His wife, his children, his fellow-labourers, the companions of his recreations, know all that he does, and almost all that he thinks. Can any one believe that he would pass the evening before, or the evening after the day of election, at his alehouse, wrapt up in the secrecy of a Venetian senator, and concealing a suffrage as he would do a murder? If his character disposed him to secrecy, would his situation allow it? His landlord, or his employer, or their agents, or the leaders of a party in the election, could never have any difficulty in discovering him. The simple acts of writing his vote, of delivering it at the poll, or sending it if he could not attend, would betray his secret in spite of the most complicated ballot ever contrived in Venice. In great towns, the very mention of secret suffrage is ridiculous. By what contrivance are public meetings of the two hundred and fifty thousand London electors to be prevented? There may be quiet and secrecy at the poll; but this does not in the least prevent publicity and tumult at other meetings occasioned by the election. A candidate will not forego the means of success which such meetings afford. The votes of those who attend them must be always known. If the Venetian Council of Ten were dispersed among a Westminster mob while candidates were speaking, they would catch its spirit, and betray their votes by huzzas and hisses. Candidates and their partisans, committees in parishes, agents

in every street during an active canvass, would quickly learn the secret of almost any man in Westminster. The few who affected mystery would be detected by their neighbours. The evasive answer of the ablest of such dissemblers to his favoured friend or party, would be observably different, at least in tone and manner, from that which he gave to the enemy. The zeal, attachment and enthusiasm, which must prevail in such elections, as long as they continue really popular, would probably bring all recurrence to means of secrecy into discredit, and very speedily into general disuse. Even the smaller tradesmen, to whom ballot might seem desirable, as a shield from the displeasure of their opulent customers, would betray the part they took in the election, by their ambition to be leaders in their parishes. The formality of a ballot might remain: But the object of secrecy is incompatible with the nature of such elections.

The *second* objection is, that if secrecy of suffrage could be really adopted, it would, in practice, contract, instead of extending, the elective franchise, by abating, if not extinguishing, the strongest inducements to its exercise. All wise laws contain in themselves effectual means for their own execution; but, where votes are secret, scarcely any motive for voting is left to the majority of electors. In a blind eagerness to free the franchise from influence, nearly all the common motives for its exercise are taken away. The common elector is neither to gain the favour of his superiors, nor the kindness of his fellows, nor the gratitude of the candidate for whom he votes. From all these, secrecy must exclude him. He is forbidden to strengthen his conviction, to kindle his zeal, to conquer his fears or selfishness, in numerous meetings of those with whom he agrees; for, if he attends such meetings, he must publish his suffrage—and the ballot, in his case, becomes altogether illusory. Every blameable motive of interest, every pardonable inducement of personal partiality, are, indeed, taken away. But what is left in their place? Nothing but a mere sense of public duty, unaided by the popular discipline which gives fervour and vigour to public sentiments. A wise lawgiver does not trust to a general sense of duty in the most unimportant law. If such a principle could be trusted, laws would be unnecessary. Yet to this cold feeling, stripped of all its natural and most powerful aids, would the system of secret suffrage alone trust for its execution. At the poll it is said to be sufficient, because all temptations to do ill are supposed to be taken away. But the motives by which electors are induced to go to a poll, have been totally overlooked. The inferior classes, for whom this whole system is contrived, would, in its practice, be speedily

disfranchised. They would soon relinquish a privilege when it was reduced to a troublesome duty. Their public principles are often generous; but they do not arise from secret meditation, and they do not flourish in solitude.

Lastly, If secret suffrage were to be permanently practised by all voters, it would deprive election of all its popular qualities, and of many of its beneficial effects. The great object of popular elections is, to inspire and strengthen the love of liberty. On the strength of that sentiment freedom wholly depends, not only for its security against the power of time and of enemies, but for its efficiency and reality while it lasts. If we could suppose a people perfectly indifferent to political measures, and without any disposition to take a part in public affairs, the most perfect forms and institutions of liberty would be among them a dead letter. The most elaborate machinery would stand still for want of a moving power. In proportion as a people sinks more near to that slavish apathy, their constitution becomes so far vain, and their best laws impotent. Institutions are carried into effect by men, and men are moved to action by their feelings. A system of liberty can be executed only by men who love liberty. With the spirit of liberty, very unpromising forms grow into an excellent Government. Without it, the most specious cannot last, and are not worth preserving. The institutions of a free State are safest and most effective, when numerous bodies of men exercise their political rights with pleasure and pride—consequently with zeal and boldness,—when these rights are endeared to them by tradition, and by habit, as well as by conviction and feeling of their inestimable value,—and when the mode of exercising privileges is such as to excite the sympathy of all who view it, and to spread through the whole society a jealous love of popular right, and a proneness to repel with indignation every encroachment on it.

Popular elections contribute to these objects, partly by the character of the majority of the electors, and partly by the mode in which they give their suffrage. Assemblies of the people of great cities, are indeed very ill qualified to exercise authority; but without their occasional use, it can never be strongly curbed. Numbers are nowhere else to be collected. On numbers alone, much of their power depends. In numerous meetings, every man catches animation from the feelings of his neighbour, and gathers courage from the strength of a multitude. Such assemblies, and they alone, with all their defects and errors, have the privilege of inspiring many human beings with a perfect, however transient, disinterestedness, and ren-

dering the most ordinary men capable of foregoing interest, and forgetting self, in the enthusiasm of zeal for a common cause. Their vices are a corrective of the deliberating selfishness of their superiors. Their bad, as well as good qualities, render them the portion of society the most susceptible of impressions, and the most accessible to public feelings. They are fitted to produce that democratic spirit which, tempered in its progress through the various classes of the community, becomes the vital principle of liberty. It is very true, that the occasional absurdity and violence of these meetings, often alienate men of timid virtue from the cause of Liberty. It is enough for the present purpose, that in those long periods to which political reasonings must always be understood to apply, they contribute far more to excite and to second, than to offend or alarm, the enlightened friends of the rights of the people. But meetings for election are by far the safest and the most effective of all popular assemblies. They are brought together by the Constitution;—they have a legal character;—they display the ensigns of public authority;—they assemble men of all ranks and opinions;—and, in them, the people publicly and conspicuously bestow some of the highest prizes pursued by a generous ambition. Hence they derive a consequence, and give a sense of self-importance, to their humblest members, which would be vainly sought for in spontaneous meetings. They lend a part of their own seriousness and dignity to other meetings occasioned by the election, and even to those which, at other times, are really, or even nominally, composed of electors.

In elections, political principles cease to be mere abstractions. They are embodied in individuals; and the cold conviction of a truth, or the languid approbation of a measure, is animated by attachment for leaders, and hostility to adversaries. Every political passion is warmed in the contest. Even the outward circumstances of the scene, strike the imagination, and affect the feelings. The recital of them daily spreads enthusiasm over a country. The various fortunes of the combat excite anxiety and agitation on all sides; and an opportunity is offered of discussing almost every political question, under circumstances where the hearts of hearers and readers take part in the argument: and the issue of a controversy is regarded by the nation with some degree of the same solicitude as the event of a battle. In this manner is formed democratical ascendency, which is most perfect when the greatest numbers of independent judgments influence the measures of Government. Reading may, indeed, increase the number and intelligence of those whose sentiments compose public opinion; but numerous assem-

blies, and consequently popular elections, can alone generate the courage and zeal which form so large a portion of its power.

With these effects it is apparent that secret suffrage is absolutely incompatible. They cannot exist together. Assemblies to elect, or assemblies during elections, make all suffrages known. The publicity and boldness in which voters give their suffrage are of the very essence of popular elections, and greatly contribute to their animating effect. The advocates of ballot tell us, indeed, that it would destroy canvass and tumult. But after the destruction of canvass, elections would no longer teach humility to the great, nor self-esteem to the humble. Were the causes of tumult destroyed, elections would no longer be nurseries of political zeal, and instruments for rousing national spirit. The friends of liberty ought rather to view the turbulence of the people with indulgence and pardon, powerfully tending to exercise and invigorate their public spirit. It is not to be extinguished, but to be rendered safe by countervailing institutions of an opposite tendency in other parts of the constitutional system.

The original fallacy, which is the source of all erroneous reasoning in favour of ballot, is the assumption that the value of popular elections chiefly depends on the exercise of a deliberate judgment by the electors. The whole anxiety of its advocates is to remove the causes which might disturb a considerate choice. In order to obtain such a choice, which is *not* the great purpose of popular elections, the speculators would deprive them of the power to excite and diffuse *public spirit*,—the great and inestimable service which a due proportion of such elections renders to a free State. In order to make the forms of democracy universal, their plan would universally extinguish its spirit. In a commonwealth where Universal Suffrage was already established, ballot might perhaps be admissible as an expedient for tempering such an extreme democracy. Even there, it might be objected to, as one of those remedies for licentiousness which are likely to endanger liberty by destroying all democratic spirit. It would be one of those dexterous frauds by which the people are often weaned from the exertion of their privileges.

On the frequency of elections we have left ourselves no room to dwell at present. They may be too frequent for exciting universal attention and national sympathy. Whatever is very frequent becomes familiar. It is viewed with little interest, and done with no spirit. We subjoin the following argument against annual election from an unpublished work of Mr Bentham which we have the good fortune to possess,—not for the

puerile purpose of charging him with inconsistency, but because it contains unanswerable reasoning conveyed in clear and precise language.

'Next to the having no periodical elections, is the having them as frequent as possible. Why? Because, the oftener they come round, the less the danger is of a change. As the mischiefs of changing so often as you might change are so palpable, and as you see no more reason for changing one time than another, you even take things as they are, and enter into a sort of implicit engagement with yourself not to change at all.

'This is no speculative conjecture: it is but a key to facts offered by experience. In England, wherever regular succession is not the object, * annual elections prove in effect appointments for life, subject only to a periodical power of a motion which is rarely exercised: † while longer terms produce frequent changes, and still more frequent struggles. ‡ (Remarks on the Judicial Establishments in France, chap. 5. title 3.)'

Rotation, or temporary exclusion, after a certain period, are contrivances easily evaded; and they undistinguishingly exclude the wise and the foolish, the honest and the corrupt. Talent and virtue are too rare for such plans. To reject the benefit of experience, must always be unwise. It is vain to answer, that if, by annual elections, the same members were to have seats for life, it would be a proof that the people approved their public conduct. There would be much oftener an acquiescence from the evil of frequent contest, than a continued preference of political merit. We may add, that in Parliamentary elections, some change of members, more risk of change, and considerable contest, are in themselves advantageous to public liberty.

We must reserve for a future occasion such thoughts as have occurred to us on those plans of Constitutional Reform which might gradually unite the most reasonable Friends of Freedom, and of which we should not be without hope, that some part might one day be adopted under the conduct of a firm as well as liberal Government, and when almost all reformers shall have openly renounced those extravagant opinions which supply the champions of abuse with the most effective weapons.

We close with a few words on a subject to which Mr Bentham has frequently adverted—the example of the United States of America. The system which we oppose is established in

* Examples: Lord Mayor of London: Sheriffs of London.

† Examples: Chamberlain of London: Chairman of the Justices of the Peace for Middlesex: President of the Royal Society—(to which may be added, the Common Council of London.)

‡ Examples: Member of Parliament.

that Republic,—and it is said to be attended with no mischievous effects.

To this we answer, that, in America, Universal Suffrage is not the rule, but the exception. In twelve out of the nineteen States which compose that immense Confederacy, the disgraceful institution of Slavery deprives great multitudes not only of political franchises, but of the indefeasible rights of all mankind. The numbers of representatives of the Slave States in Congress is proportioned to their population, whether slaves or freemen; a provision arising, indeed, from the most abominable of all human institutions, but recognising the just principle, that property is one of the elements of every wise representation. In many, the white complexion is a necessary qualification for suffrage; and the disfranchised are separated from the privileged order by a physical boundary, which no individual can ever pass. In countries of slavery, where to be free is to be noble, the universal distribution of privilege among the ruling caste, is a natural consequence of the aristocratical pride with which each man regards the dignity of the whole order, especially when they are all distinguished from their slaves by the same conspicuous and indelible marks. Yet, in Virginia, which has long been the ruling State of the Confederacy, even the citizens of the governing class cannot vote without the possession of a freehold estate. A real or personal estate is required in New England, the ancient seat of the character and spirit of America; the parent of those seamen, who, with a courage and skill worthy of our common forefathers, have met the followers of Nelson in war; the nursery of the intelligent and moral, as well as hardy and laborious race, who now annually colonize the vast regions of the West.

But were the fact otherwise,—America contains few large, and no very great towns;—the people are dispersed, and agricultural;—and, perhaps, a majority of the inhabitants are either land-owners, or have that immediate expectation of becoming proprietors, which produces nearly the same effect on character with the possession of property. Adventurers who, in other countries, disturb society, are there naturally attracted towards the frontier, where they pave the way for industry, and become the pioneers of civilization. There is no part of their people in the situation where democracy is dangerous, or even usually powerful. The dispersion of the inhabitants, their distance from the scene of great affairs, are perhaps likely rather to make the spirit of liberty among them languid, than to rouse it to excess. The majority are in the condition which is elsewhere considered as a pledge of independence, and a qualifica-

tion for suffrage. They have no populace; and the greater part of them are either landholders, or just about to be so. No part, then, of the preceding argument is inconsistent with the example of America, even were Universal Suffrage established there.

In what manner the present Elective system of America may act, at the remote period when the progress of society shall have conducted that country to the crowded cities and unequal fortunes of Europe, no man will pretend to foresee, except those whose presumptuous folly disables them from forming probable conjectures on such subjects. If, from the unparalleled situation of America, the present usages should quietly prevail for a very long time, they may insensibly adapt themselves to the gradual changes in the national condition, and at length be found capable of subsisting in a state of things to which, if they had been suddenly introduced, they would have proved irreconcileably adverse. In the thinly peopled States of the West, Universal Suffrage itself may be so long exercised without the possibility of danger, as to create a national habit which may be strong enough to render its exercise safe in the midst of an indigent populace. In that long tranquillity it may languish into forms, and these forms may soon follow the spirit. For a period far exceeding our foresight, it cannot affect the confederacy further than the effect which may arise from very popular elections in a few of the larger western towns. The interior order of the country where it is adopted, will be aided by the compression of its former and more compact confederates. It is even possible that the extremely popular system which prevails in some American elections, may, in future times, be found not more than sufficient to counterbalance the growing influence of wealth in the South, and the tendencies towards Toryism which are of late perceptible in New England. The operation of different principles on elections, in various parts of the Continent, may even now be discerned. Some remarkable facts have already appeared. In the state of Pennsylvania, we have * a practical proof that ballot is not attended with secrecy. We also know, † that committees composed of the leaders of the federal and democratic parties, instruct their partisans how they are to vote at every election; and that in this manner the leaders of the democratic party who now predominate in their *Caucus* ‡ or Com-

* Fearon, 138, &c. How could this intelligent writer treat the absence of tumult, in such a city and country, as bearing any resemblance to the like circumstance in Europe?

† Id. 320.

‡ The following account of this strange term, will show its proba-

mittee at Washington, do in effect nominate to all the important offices in North America. Thus, we already see combinations formed, and interests arising on which the future government of the Confederacy may depend more than on the forms of election, or the letter of its present laws. Those who condemn the principle of party, may disapprove these associations as unconstitutional. To us who consider parties as inseparable from liberty, they seem remarkable as examples of those undesigned and unforeseen correctives of inconvenient laws which spring out of the circumstances of society. The election of so great a magistrate as the President, by great numbers of electors, scattered over a vast continent, without the power of concert, or the means of personal knowledge, would naturally produce confusion, if it were not tempered by the confidence of the members of both parties in the judgment of their respective leaders. The permanence of these leaders, slowly raised by a sort of insensible election to the conduct of parties, tends to counteract the evil of that system of periodical removal, which is peculiarly inconvenient in its application to important executive offices. The internal discipline of parties may be found to be a principle of subordination of great value in Republican Institutions. Certain it is, that the affairs of the United States have hitherto been generally administered, in times of great difficulty and under a succession of Presidents, with a forbearance, circumspection, constancy and vigour, not surpassed by those commonwealths who have been most justly renowned for the wisdom of their councils. The only disgrace or danger which we perceive impending over America, arises from the execrable

ble origin, and the long-experienced efficacy of such an expedient for controlling ballot—'About the year 1738, the father of Samuel 'Adams, and twenty others who lived in the North or Shipping part 'of Boston, used to meet, to make a *Caucus*, and lay their plan for 'introducing certain persons into places of trust. Each distributed 'the ballots in his own circle, and they generally carried the election. 'In this manner Mr S. Adams first became representative for Boston.—*Caucusing* means electioneering.'—*I. Gordon, Hist. Am. Revol. p.* 216, *Note. London*, 1788.

It is conjectured, that as this practice originated in the Shipping Part of Boston, 'Caucus' was a corruption of Caulkers Meeting.—For this information we are indebted to Pickering's American Vocabulary, (Boston, 1816); a modest and sensible book, of which the principal fault is, that the author ascribes too much importance to some English writers, who are not objects of much reverence to a near observer. Mr Pickering's volume, however, deserves a place in English libraries.

institution of Slavery—the unjust disfranchisement of free Blacks—the trading in slaves carried on from State to State—and the dissolute and violent character of those adventurers, whose impatience for guilty wealth spreads the horrors of slavery over the new acquisitions in the South.* Let the Lawgivers of that Imperial Republic deeply consider how powerfully these disgraceful circumstances tend to weaken the love of Liberty; the only bond which can hold together such vast territories, and therefore the only source and guard of the tranquillity and greatness of America.

ART. IX. *Returns of Prosecutions and Convictions for Forging Notes of the Bank of England, from* 1783 *to* 1818; *laid before the House of Commons, 21st April* 1818.

In former ages, the debasement of the coin, by authority of the Sovereign, was one of the favourite resources of needy governments; and the same destructive practice still prevails in the despotic countries of the East. The ignorance of profuse and rapacious barbarians, prevents them from seeing any part of this process beyond the first step. They are incapable of perceiving, that the money price of all other commodities immediately rises with the decrease in the value of their coin; that the same apparent revenue will no longer command the same quantity of produce; and that, both as a government, and as the largest dealers and consumers, they will ultimately suffer from that confusion, want of mutual confidence, and general uncertainty in all incomes, debts, and undertakings, which are the necessary consequences of sudden alterations in the value of money.

In more modern times, this expedient of bankrupt barbarism has been generally relinquished: But, since the common use of paper currency, means have been found of perverting, for the like mischievous purposes, that invention, which, when it is regulated by true principles, is one of the most useful, as well as beautiful contrivances of human ingenuity. A paper money, not exchangeable at the pleasure of the holder for gold or silver, is an expedient in which the same ends are pursued, and the same evils are incurred, as in the debasement of metallic money. When the over-issue which such an incon-

* See Mr Fearon's Account of the Slave Trade on the Mississippi, and his frightful extracts from the newspapers of New Orleans.

vertible paper never fails to produce, necessarily diminishes its real value, at the same time that, directly or indirectly, individuals are obliged to receive it according to its former denomination; the effect is precisely the same with the tyrannical operations on coin, which are now cited as proofs of the ignorance and barbarism of the darkest ages. A bank note which will purchase only sixteen shillings worth of silver, but is forced upon all dealers at twenty, is in the same situation with a sovereign which we might be compelled to receive at twenty-five shillings, by proclamation or statute. The evils of such a paper, in the American and French revolutions; the mischiefs experienced from its more limited use in the absolute monarchies of the Continent at this moment; are too well known to require enumeration.

The stoppage of payment by the Bank of England, was a measure which originated in a fatal panic; but of which the continuance has undoubtedly arisen in experience of its convenience to Government, and profitableness to the Bank. No man in Europe, whose name could be quoted without absurdity, now doubts that the principles of the Bullion Committee in 1810 are true. If any man were now to propose to a public assembly a resolution, that Bank notes were '*held, in public estimation, to be equivalent to the legal coin of the realm*;' * the only serious answer to such an assertion would be, to ask the meaning of his words.

It must, however, be owned, that the evils of inconvertible paper money have been mitigated, in this country, by long experience of great monied transactions—by ancient habits of commercial confidence—by thorough knowledge of the importance of mutual support—by a sort of mechanical reliance on a Bank paper which had stood the test of a century, and which, in its new state, retained a great part of the credit which it had gained by being so long exchangeable at pleasure—by the watchful guard of public opinion—and by those wholesome discussions in Parliament, of which the usefulness is best established by the clamours which the Treasury and the Bank never failed to raise against them. All these aids and controls, though inadequate substitutes for convertibility, must be allowed to have limited the range of the evil. But it is not the less true, that for twenty-one years the whole moneyed transactions of this empire have been at the discretion of a Banking Company; and that, as the amount of their profits depends on the magnitude of their issues, they have been tempted by the laws to make the most destructive exercise of their power. It is also evident, that as

* Comm. Journ. 15th May 1811.

we and our posterity must pay in gold and silver the interest of loans made in depreciated paper, we must long bear the burden of the most gigantic system of Usury ever practised by a spendthrift Government.

It is observable, that England, which has escaped, though narrowly, that national ruin which has usually followed compulsory paper, should, on the other hand, exhibit, in a greater degree than any other country, its fatal efficacy in tempting the indigent to the perpetration of crimes. To counterfeit Bank notes was, indeed, made a capital felony before any other species of forgery; but, till the stoppage of the Bank, it was an infrequent offence. Before we make any observations on the moral revolution which followed the stoppage, we entreat the attention of every reader who considers the prevention of crimes as any part of the object of Government, to the following authentic and extraordinary documents.

" No. 1.

" An Account of the Number of Persons prosecuted for Forging Notes of the Governor and Company of the Bank of *England*, and for uttering such Notes knowing them to be forged; during the 14 Years *preceding* the Suspension of Cash Payments by the Bank in February 1797, distinguishing the Years.

YEAR.	CAPITAL CONVICTIONS.	ACQUITTALS.	TOTAL.
1783	nil.	—	—
1784	2		2
1785			
1786	nil.	—	—
1787			
1788	1		1
1789		1	1
1790			
1791			
1792			
1793	nil.	—	—
1794			
1795			
1796			

" No. 2.

" An Account of the Number of Persons prosecuted for Forging Notes of the Governor and Company of the Bank of *England*, and for knowingly uttering or possessing such Forged Notes, knowing them to be Forged, *since* the Suspension of Cash Pay-

ments by the Bank, in February 1797, to the 25th of February 1818; distinguishing the Years, and the Numbers Convicted and Acquitted.

YEAR.	CAPITAL CONVICTIONS.	CONVICTIONS for having Forged Bank Notes in possession.	ACQUITTALS.	TOTAL Number Prosecuted.
1797	1	-	1	2
1798	11	-	1	12
1799	12	-	3	15
1800	29	-	15	44
1801	32	1	21	54
1802	32	12	19	63
1803	7	1	1	9
1804	13	8	4	25
1805	10	14	4	28
1806	-	9	1	10
1807	16	24	5	45
1808	9	23	2	34
1809	23	29	16	68
1810	10	16	3	29
1811	5	19	9	33
1812	26	26	12	64
1813	9	49	7	65
1814	5	39	3	47
1815	7	51	5	63
1816	20	84	16	120
1817	32	95	15	142
1818 to 25. Feb	4	21	1	26
	Total 313			Total 998

"*Joseph Kaye*,
"21*st April* 1818. Solr to the Bank of England."

The tables which follow are framed from a return not laid before the House of Commons till after the discussions on the subject of forgery were concluded. This important return is 'An Abstract of Capital Convictions and Executions in London and Middlesex from 1749 to 1817 inclusive, with a statement of the offences.' Before 1749 we have no regular information. We have no account of the same nature relating to the capital convictions and executions in the country till 1805, since which time an account of the criminal proceedings at the Assizes and Sessions has been, and now by law must be, annually laid before Parliament. In the Return from London and Middlesex,

the counterfeiting of bank-notes is not distinguished from other forgeries. But the above return, No. 1, from the Bank of England, shows the number of capital convictions from 17[illegible] to 1797, on prosecutions for the forgery of their notes, to have been *three*.

No. 3. exhibits the whole number of executions, for every species of forgery, in the years between 1783 and 1797 in London and Middlesex; taken from " The Abstract."

" No. 3.

Year.	No. of Executions.	Year.	No. of Executions.
1783 - -	5	Brought up	24
1784 - -	3	1791 - -	2
1785 - -	4	1792 - -	3
1786 - -	3	1793 - -	2
1787 - -	4	1794 - -	1
1788 - -	1	1795 - -	6
1789 - -	1	1796 - -	4
1790 - -	3		
Carry up -	24	Total - -	42

Though we do not know the executions throughout England, for all forgeries, at that time; we know that there were only three for counterfeiting bank-notes: And we shall hardly underrate the proportion of Bank prosecutions to the whole, if we divide the 42 executions for forgery which we know to have then taken place in London and Middlesex, by the three executions for forging bank-notes, which are ascertained to have occurred in the same period in every part of England. Without increasing the dividend by the addition of any supposed number of executions for the country, the executions for forging bank-notes will be to those for the crime of forgery in general, as one to fourteen.

No. 4. contains an account of executions, for all forgeries, in the capital, from 1749 to 1782; taken from " the Abstract."

" No. 4.

Year.	No. of Executions.	Year.	No. of Executions.
1749 -	2	Brought up	24
1750 -	3	1756 - -	1
1751 -	7	1757 - -	5
1752 -	7	1758 - -	3
1753 -	3	1759 - -	1
1754 -	2	1760 - -	0
1755 -	0	1761 - -	6
Carry up -	24	Carry forward -	40

Year.	No. of Executions.	Year.	No. of Executions.
Brought forward	40	Brought up	49
1762	4	1773	1
1763	0	1774	0
1764	0	1775	3
1765	0	1776	8
1766	1	1777	1
1767	1	1778	1
1768	0	1779	3
1769	0	1780	2
1770	0	1781	1
1771	1	1782	0
1772	2		
		Total	69
Carry up	49		

On this subject we have no separate accouut of the number of convictions for the forgery of bank-notes. If the proportion of Bank forgeries, to forgeries in general, be supposed to be the same throughout this period, as that which seems to be the result of the document No. 3, namely, one to fourteen, it would follow that the whole number of persons who suffered death for forgeries on the Bank, from 1749 to 1797, amounted only to *eight*. Though fourteen years be a time long enough for a reasonable inference; and though we have waived the advantage which the argument would receive from the addition of a probable number for country executions; yet, as the proportions may have varied at different times, we shall double, or, if the reader pleases, treble these executions,—and suppose that sixteen, or even twenty-four * persons had suffered death for counterfeiting bank-notes in the half century which preceded the stoppage of payment by the Bank of England.—Yet even this number, inconsiderable as it now appears, was sufficient at that time to excite the disapprobation of wise, and the indignation of good men, against laws which inflicted death on such a crime as forgery, and offered human sacrifices to the Moloch of Paper Credit. But these executions were at least efficacious. Punishment invariably followed the proof of guilt. The time was not yet come when the number

* The number of executions in London and Middlesex, for forgery, from 1749 to 1782, is stated by Sir Theodore Janson's Abstract, published by Mr Howard, to have been 71; while the Parliamentary Abstract makes them only 46. This is the more singular, because in the annual number of executions for all offences they nearly agree. We prefer the authority of the Parliamentary Return, because it gives the annual number of executions for forgery, of which Sir T. Janson states only the sum-total.

of convictions rendered the uniform execution of the law too horrible to be hazarded. Criminal justice had not become a lottery, in which it was a mere chance whether a man guilty of forgery should escape being transported or be hanged The guilty were generally persons above the ordinary condition, whose tale grew into a sort of popular tragedy; and as the circumstances of their death were often very affecting, the example became in the same proportion terrible. The class of men then generally convicted, susceptible of shame, and not insensible to danger, were peculiarly likely to be deterred by the punishment. The principals were usually detected; and the combination of deliberate fraud with considerable pecuniary advantage, deadened the feelings of the public for their fate.

The year 1798 opened a new scene. The act for authorizing the Bank of England to stop payment, passed in 1797; and another act was passed in the same year, the necessary consequence of the former, but still more directly applicable to our present purpose—to enable the Bank to issue notes under the value of five pounds. The number of those who suffered death for the forgery of bank-notes *in* 1798 *and the two succeeding years*, was twice or thrice as great as that of all who had suffered for the same offence for fifty years before the Suspension. From a return of '*nil*,' in the eight years before 1797, we suddenly pass to a return of a hundred and forty-six capital executions, for this offence, in the eight years which followed that unfortunate year! From three executions in the fourteen years before the Suspension, the number becomes two hundred and nine in the fourteen after it. In the last twenty-one years of cash payment there were five or six executions for forgery. In the twenty-one which we have passed under the destroying power of compulsory paper, three hundred and thirteen persons have suffered death for counterfeiting bank-notes!

These frightful contrasts multiply at every change of our point of view. Four prosecutions for forgery by the Bank of England are to be found from 1783 to 1797. In the equal period from 1797 to 1811, the number is 469!—They were multiplied more than a hundred fold!—Well might the preamble of a statute passed in 1801, recite, that 'THE FORGERY OF BANK-NOTES HAS OF LATE INCREASED VERY MUCH IN THIS KINGDOM!'* but the preamble does not confess the whole truth.—Even at that time it was not an offence increased, but an offence created. One fatal measure of State had, even then, caused more blood

* 41 Geo. III. chap. 49.

to flow for forgery in three years than had been shed in England for that offence during fifty years before. Perhaps no civilized government has by one act given so dreadful a wound to the morality of a people. The visible connexion between the issue of small notes and the effusion of blood, is one of the most frightful parts of this case. Before 1797, the Bank could issue no notes under 5*l.*: In 1802, the average number of notes under that value was about three millions and a half. In the former periods there were no capital executions: In the latter, 116 occurred in four years. In 1817, there were 30,000 forged notes stopped at the Bank of 1*l.* and 2*l.*—900 of 5*l.*—50 of 10*l.*, and 2 of 20*l.* The whole crime is in truth imputable to the small notes. The forgery of the larger we are authorized, by the experience of the former period, entirely to ascribe to the habits of criminality which originated in the temptation of small notes.

We have been foolishly told that the increase (as it is called) of forgeries is only a part of the general progress of criminality. The sudden leap made by forgery in 1798, is a sufficient answer. There is no parallel case in any other crime or country. Other very dangerous crimes have diminished in the same period; and it is more reasonable to ascribe a great part of the increase of some other offences to the progress of that depravity to which the forgery of bank paper gave the first impulse.

It was at first supposed that some compensation for the increase of forgery might be found in the abatement of offences relating to the coin. The return of prosecutions by the Mint from 1783 to 1818, soon dispelled that illusion. The same persons then said, that forgery had augmented only in the same proportion with coining: And some have been so foolish as even lately to repeat this assertion. The same document will, it is to be hoped, silence them. In the seven years before the Suspension, the convictions for coining were 380. In the seven years which followed, they were 558. Instead of rising, like the forgeries, from 0 to 146, they augmented at a rate not much exceeding that of other crimes.

The various Returns which contain the above information, were not obtained without struggle. Much resistance was made to the production of many of them. More was threatened, and abandoned only on the eve of a division, when it was apparent that all resistance would prove vain. When a motion was made for a Parliamentary Committee to inquire whether any means could be devised to increase the difficulty of forging bank-notes, it was found no longer possible to resist investigation; and the Ministers contented themselves with substituting a commission under the Great Seal for a Committee

of the House of Commons. Whether they did well in this substitution, is no longer a practical question. The Commissioners were, in general, very well chosen. But though the Directors of the Bank are respectable men, and were in this inquiry indispensable witnesses, it is really an affront to common sense, that any of them should be named Commissioners to inquire into their own conduct.

We do not, of course, presume to know the proceedings, —the success, or the expectations of the Commissioners. It has been generally reported that they have had before them two or three hundred plans, including the rejected projects from the Bank; that a very small number of these plans have been thought to deserve serious consideration; and that, even of them, the most specious afford only a hope of diminishing the facility of forgery, though in what degree, and to what extent, can be ascertained by experiment alone. Whatever the result of their investigation may be, it cannot fail to be of great importance. If it should terminate in the discovery of a plan which offers a high probability of very considerably lessening the ease with which bank paper is now counterfeited, it will not only tend to stop the progress of crimes and the effusion of blood, but it will be one of the greatest improvements on a paper money, which, under all circumstances, must continue to form an important part of our circulation. If it should appear that there is no such probability of considerable abatement, it must be universally seen, and, we hope, will be authoritatively stated, that the resumption of cash payments is the only effectual remedy against the multiplication of forgeries,—which multiplied executions seem hitherto not in the least degree to have retarded,—and which must ultimately involve in general confusion all the dealings and transactions of men. In either of these cases, the duty of the Commissioners will be simple. Should they adopt a middle course, that duty will not be so easy. On questions which relate to degrees of probability and of efficacy, it is very difficult to form a just opinion; and far from easy to convey it, when formed, into the minds of other men. It requires the utmost caution and exactness of language to prevent misconceptions, which may be attended by the most fatal consequences. A slight exaggeration—a hope raised one degree above reason, may become a public misfortune. The Report of the Commissioners will affect the determination of the momentous question, whether cash payments are to be resumed. To the protection of a plan recommended by them, may, perhaps, be entrusted the property, the morals, the good order of

the kingdom. They are a Jury, on whose verdict the lives of multitudes of men may depend.

It must not be forgotten, that an improvement in bank paper, far short of what could be accepted as a substitute for cash payments, would be an object of the utmost public importance.— When that paper is restored to its original character, and once more rendered secure against the evil of excessive issue, it will still be liable to attacks from the other evil of forgery, which has arisen and become formidable during the fatal period when payments were not made in money. The former mischief may be immediately removed; but the effects of the latter must continue, in some degree, for some time. When we return to our ancient system, we ought to return to that part of it which consisted in the prohibition of the issue of notes under five pounds. The great body of forgeries consists in notes of one pound. In the last year they were about thirty thousand. But the crime created by these small notes has spread to the larger, which, when they circulated alone, can scarcely be said to have been forged at all. Five hundred forged notes, of ten pounds and upwards, appear to have been detected in the last year by the Bank. How many more never reached them, we cannot conjecture. They were probably numerous;—though we should be inclined to make a large deduction from the estimate of a respectable Member of Parliament, who said that *half* the Bank of England notes circulated in the three Northern Counties were forgeries. After the resumption, indeed, of cash payments, forgery of the large notes will be immediately limited by the skill and leisure of the class among whom they circulate, and by the facility of refusing paper when there is a power of procuring money. But in whatever degree the forgeries may be reduced, it will be of great importance to protect the paper against them, by improvements in its structure, especially for the time which must elapse before the habits of depravity produced by the Suspension shall be in a great measure worn out. We may reasonably hope that the labours of the Commissioners may discover such an improvement as may strengthen the natural securities of the large notes, after they are again rendered convertible into money.

To complete this view of the subject, we must conclude with a short account of the judicial proceedings relating to the forgery of bank notes since the dissolution of Parliament. During the Summer Assizes, we recollect no capital conviction for this crime. In the state of the public temper on this subject, the Bank seems to have thought it more prudent to prosecute only for the transportable offence, of knowingly possessing forged notes. In one case, a Jury acquitted a man charged with forgery,

against whom the Court, probably with reason, thought the evidence complete.

At the September Sessions at the Old Bailey, a long array of prosecutions for forgery reappeared, but attended with clear proofs that, on this subject, it was no longer safe to overlook the excited feelings of the public. Thirty-eight persons were arraigned on the capital charges of forging notes, or knowingly uttering them; and also on the minor charge of knowingly possessing them. A scene appears to have taken place among these wretched persons very unsuitable to the deliberation and gravity of a court of justice. Such was the general confusion, that one prisoner pleaded guilty to the capital charge, and not guilty to the inferior charge. Another confessed his guilt, retracted, and afterwards repeated his confession, and at last pleaded not guilty. As the trials advanced, the Juries began to manifest that they shared the general feeling of their countrymen. One Jury desired that the forgery of the signature to the note should be proved by the signing clerk whose name had been used, instead of the Bank inspector, whose evidence had hitherto been thought sufficient. On the next day, a Juryman declared that he was not satisfied by the affirmation of the witnesses that the notes were forgeries, and that he desired to ascertain how these witnesses knew them to be so. The ordinary course of the Bank had been to indict for the transportable as well as the capital offence; to forbear offering evidence to affect life against known forgers, who had pleaded guilty on the charge of knowingly possessing counterfeit notes; but to proceed to the last extremity against all who refused to own that they were guilty of that offence. On the 18th September, two women, in spite of the sincerely humane advice of the prosecutors and judges, refused to purchase life by the confession of their crimes. The first, a miserable prostitute, alleged that she had received the forged note from a man unknown to her;—one of those defences which might in her case be true, and yet impossible for her to prove. She was convicted.—Another woman, unappalled by this example, persevered in her plea of not guilty, and was acquitted. Had this woman accepted the proffered mercy of her prosecutors, we must now presume that she would have been unjustly transported. It became apparent, after her acquittal, that many innocent persons might have suffered that punishment; that the life or death of those who were charged with forgery, might often depend on their possessing nerves strong enough to encounter the danger of a capital trial; that bold guilt might often escape, and timid innocence frequently suffer. It is a melancholy consideration that, however undesignedly, the fear of

death may have been employed, in the administration of justice, to deter those who were conscious of no crime from proving that they were guiltless.

At the December Sessions, it was thought necessary to produce all the evidence of forgery which had been formerly called superfluous, and at last to permit the examination of the Bank witnesses respecting the grounds of their knowledge, which till that time had been generally understood to be interdicted. But the public feeling was now too deep to be conciliated by these concessions. In the face of all this evidence, two persons were acquitted, on the perfectly unimpeachable ground that the Jury did not believe the notes to be forgeries. From that moment the capital prosecutions were relinquished; and Juries, with the same, or very similar evidence, easily convicted several prisoners of the inferior offence. One other circumstance occurred during these last Sessions. Three prisoners, capitally convicted in September, and whose fate had remained in suspense during the intermediate three months, were executed immediately after the acquittals in December. These criminals, it must be observed, were convicted on that evidence, and under those restraints on examination, to which the prosecutors and judges seem, in the prosecutions in December, to have no longer adhered; and they were executed for forgery at the moment when capital prosecutions for that crime appeared, to say the least, to be suspended.

We have thus shortly recorded, and reminded the public of the proceedings which relate to a subject deeply connected with the reestablishment of the moneyed system, and with the principles of the Penal Code;—two most important objects, which have already interested the minds of the nation at large, and have the strongest claims on the deliberate consideration of Parliament.

ART. X. *Travels from Vienna through Lower Hungary; with some Remarks on the State of Vienna during the Congress, in the Year* 1814. By RICHARD BRIGHT, M.D. 4to. Edinburgh, Constable & Co. London, Longman & Co. 1818.

THIS is evidently the work of a very amiable and intelligent man, who has observed, with the utmost diligence, every thing remarkable that came within the sphere of his observation—and set down in his book, perhaps with too much minuteness, everything that he had so observed. We feel the most

perfect confidence, both in the fidelity of his representations, and in the fairness and intelligence with which his surveys have been conducted. But we think he has, on many occasions, overrated the value of the details he has collected; and thus rendered his work less attractive than it might easily have been made, if he had confined himself to a more rapid sketch of the extraordinary things he had seen, or a more summary statement of the knowledge he had acquired. Nothing else, we think, but such a compression of his materials, was necessary to render this book eminently agreeable and instructive:—for the narrative part is written throughout in a very lively and pleasing manner;—and the whole work is pervaded by a spirit not merely of humanity and good sense, but of cheerfulness and good humour, that renders us the willing companions of his adventures, and the patient listeners of the statistical lectures which, with a goodnatured earnestness, he sometimes obtrudes a little too lavishly on our notice.

The great theme of the book, as the title imports, is Hungary: of the agriculture, vineyards, flocks, dairies, mines, roads, castles and towns, of which we have a more full and particular account than could easily be furnished of most of the districts of England. There are two preliminary chapters about Vienna; which are the most lively, and, we should think, will be the most popular parts of the volume:—though the author probably regards them as far inferior in value to the more substantial discourses that follow. They contain a very good and interesting account of the Austrian capital, and the various institutions and establishments which it contains. But the gayest part of the picture is copied from a less permanent original—or derives at least no small share of its attraction from the peculiar traits which it borrowed from the memorable Congress of Sovereigns and Ministers which took place in that city in 1814—and made royalty for a while so common, that we could not pass through a crowd without jostling a monarch. Dr Bright came into contact with this distinguished crowd the very day after his arrival in Vienna, and has made a very striking picture of the scene which then presented itself. He went to a place called the Redoute, in company with an Austrian gentleman, and entered the room about nine o'clock in the evening.

'Never was an assembly less ceremonious; every one wore his hat; many, till the room became heated, their great coats; and no one pretended to appear in an evening dress, except a few Englishmen, who, from the habits of our country, and some little vanity, generally attempt to distinguish themselves by an attention to outward appearance. Around the whole circumference of the room were four or five rows of benches, occupied, for the most part, by well-

dressed females; while the other parts presented a moving multitude, many of whom were in masks, or in dominos, and were busily engaged in talking and laughing, or dancing to the music of a powerful orchestra. My companion squeezed my arm, as we passed a thin figure with sallow shrunken features, of mild expression, with a neck, stiff, bending a little forwards, and walking badly. "That is our Emperor." I shook my head and smiled. He was alone, and dressed like the rest. "Pray allow me to doubt a little till I have some farther proof."—"There, do you see that little man with white hair, a pale face, and aquiline nose? He was almost pushed down as he passed the corner;—that is the King of Denmark." Again I shook my head in disbelief. "Here the Emperor of Russia approaches." I looked up, and found the information true. His fine manly form, his round and smiling countenance, and his neat morning dress, were not to be mistaken; they were the same which, some months before, I had seen enter the church at Harlem, to the thundering peals of the grand organ. I soon recognised the tall form, the solemn and grave features, of the King of Prussia; and afterwards seeing these two in familiar conversation with the two monarchs, whose pretensions I had disputed, was satisfied their claims were just. "That short, thick, old gentleman, is the Grand Duke of Saxe Weimar. That young man near him, the Crown Prince of Wirtemberg. Here, turn your eyes to that seat. The large elderderly man, with a full face,—he looks like an Englishman,—he is the King of Bavaria."—"*Pardon,*" I exclaimed, stepping quickly aside. "That was the Grand Duke of Baaden," said my monitor, "whose toe you trod upon; he was talking to Prince William of Prussia. Here, fall back a little to let these gentlemen pass; they seem very anxious to go on. One, two, three, four, five;—these are all Archdukes of Austria.—There seems a little press towards that end of the room.—See, three women in masks have beset the King of Prussia; he seems not a little puzzled what he shall do with them.—Now a party of waltzers draws the attention of the crowd, and the King is left to dispose of his fair assailants as he thinks fit.—Do you see that stout tall man, who looks at the dance?—he is the Duke of Saxe Cobourg; and by his side, not so stout as himself, is his brother the Prince Leopold."—"Who is this young man next to us, marked with the small-pox, who is speaking broken English?"—"It is the Crown Prince of Bavaria; he is said to be very fond of your nation. And here," giving me another hearty squeeze with his elbow, "is an English milord." He had upon his head a remarkably flat cocked hat,—two ladies in dominos leaned upon his arm. The hat, unique of its kind, rather excited a smile in my companion. After a little more pushing, for the room was now become very full, we encountered a fine dark military looking man, not in uniform of course, but with mustachoes. "This was Beauharnois, viceroy of Italy."—p. 10—12.

The out of doors scene was not less peculiar, less lively,

or less strangely mixed. The following is a sketch of the Prater.

'The assemblage of carriages in this procession is singularly varied. As the Emperor of Austria passes in one direction, driving the Empress in a phaeton with a pair of quiet horses, and a single servant standing behind, the Count Trautmannsdorf, the master of the horse, is passing in the contrary direction, with a curricle or barouche and six. Immediately before the Emperor the carriage which impedes his progress is a fiacre, hired by a little shopkeeper to take his wife and child an airing in the Prater. Behind him, scarcely restrained by his orderly example, are the impatient wheels of a tilbury, guided by a young English lord; next follows a sort of truncated chariot, with a notch cut in the front to receive a coachman, folded in an old cloak, with ornaments of coarse fur, a large misshapen cocked hat, edged with tarnished lace, and a short crooked pipe stuck in the corner of his mouth.—This carriage was hired by a young Polish Count, at the rate of twelve shillings per day, to be constantly in waiting for him.—The next carriage is an open landau, with four horses, very plain, nay, scarcely respectable; it contains the King of Prussia, and three of his diplomatic corps. Then the carriage of a wealthy banker; next a green *brischca,* in which two young men are lounging at their ease;—the cockade is Sardinian. The next is a chariot and four, with two postillions in blue, with cocked hats; the livery is that of the Prince Liechtenstein. Then follows an open carriage, with two very pretty women, well dressed, but rather gaily for the place;—no one knows who they are. This curricle and pair, fitted out exactly in the English style, and followed by two out-riders, is the Prince N. Liechtenstein; and this handsome English carriage, driven four-in-hand, which breaks a little from the line, is the English ambassador's. On the turf gallops the Emperor of Russia upon a large gray horse, and with him Prince Eugene Beauharnois, subduing a fiery black. The Emperor is dressed in a blue coat and buckskins, and is followed by a single groom. Those who now spur their horses into a gallop,—follow a hare,—or, leap the rails!—who does not know the country to which they belong? Now a carriage draws up to the side near the houses of refreshment, and the Pascha of Widdina lights with his companion, and, followed by a servant carrying his hookah, all are dressed in full Eastern costume, and the Pascha is going to enjoy his pipe over a cup of coffee. In short, the carriages and costumes of the whole of Europe, both civilized and uncivilized, were at this moment to be seen in the drive at Vienna. The numerous tables which stand beneath the groves of trees, are filled with mixed parties; they generally look like families; some of the females have brought their work. A few officers out of uniform sit in groups, and, as they smoke, quietly enjoy the passing scene. Advancing into the wood, and leaving the grand drive, numbers of the common people are seen sitting at the tables smoking and drinking beer, or thronging about the build-

ings of the Carousels, to which a trumpeter from time to time calls their attention; while, in an adjoining room, music invites the soldier and his sweetheart to mingle in the rapid waltz.' p. 30-32.

Such was the captivating exterior of this political carnival: But Dr B. had frequent occasion to find that, like other splendours, they masked a great deal of discontent and apprehension. In the midst of these festivities, he could not avoid observing, that there was much anxiety among all classes of people as to the political arrangements that were to be adopted; and that ENGLAND was regarded as the hope of those who had only Justice to support their claims. How completely these expectations have been disappointed, is now but too well known. The injury done to the character of England by the conduct of its Ministers, on this and other occasions, cannot be properly felt by those who remain at home: But we will venture to say, that no Englishman can now visit the Continent, without the pain of witnessing oppressions to which his country has been accessory; and of hearing it taxed, upon grounds that but too well warrant the charge, with breach of faith, and desertion of the cause of Liberty.

Although there are in Vienna extensive collections of Natural History, and libraries, open to the public, yet literary talent is little respected in society; and the small number of men of science who fill the chairs of the University, consists chiefly of foreigners. This, however, is the natural result of a monopoly of public education in the hands of the Government; which has crushed all private schools, and, consequently, all competition and all improvement, by excluding from the offices of the State every one who has not received his education at one of its own institutions. We may form some idea of the enlightened system which prevails in these establishments, by the time requisite to qualify the student for the duties of a Court Chamberlain, viz. *thirteen years*; during which, the studies for each month are specially prescribed by the sovereign authority. If the Princes of the House of Austria, who have made such laudable exertions to introduce at home the improved agriculture and machinery of England, could induce their Government to grant greater liberty to the talents of the people, and more freedom of discussion, they would then enjoy the still higher gratification of having imparted to their country a portion, not only of the fruits, but of the sources of British prosperity.

The tone of society, where such is the state of education, could hardly fail to be frivolous; but we must allow it the merit of being entirely free from formality or etiquette. The following paragraphs present a lively picture of an evening, and of a dinner party.

'The evening amusements in Germany are very various, and will sometimes almost fall under the dreaded denomination of puerile. Not content with requesting young ladies to recite verses, they will sometimes invert the natural order of things, and compel children to act plays, while grown people play cross questions and crooked answers, or, standing in a circle, and holding a cord in their hands, pass a ring from one to the other, imposing it upon some one of the party, to discover in whose possession it is to be found. Acting riddles is a favourite game, and one which is well calculated to amuse those, who wisely resolve to be amused when they can. A certain portion of the company retire into an adjoining room, where they concert together how best to represent by action the different syllables which compose a word, and then the meaning of the whole word. They presently return, and, carrying on their preconcerted action, require the company to resolve their riddle. Thus, for instance, on one occasion the word* which was determined upon was *Jumeaux*. Some of the actors coming from their retirement, began to squeeze a lemon into a glass, calling the attention of the company very particularly to it by their action, thus representing *Ju*. Others came forwards imitating the various maladies and misfortunes of life, thus acting the syllable *meaux*. Then, finally tottered into the circle an Italian duke and a Prussian general, neither less than six feet in height, dressed in sheets and leading-strings;—a fine bouncing emblem of *Jumeaux*.

'Dinner parties, though not the regular every-day amusement of of life in Vienna, are not uncommon; and at this period, besides those given by the inhabitants, the numerous strangers, some of whom had sufficiently large establishments, contributed to the number. There is much similarity in the style of dinners throughout Germany; and it has some points of peculiar excellence. The table is generally round or oval, so that each guest has means of intercourse with the whole party, even when it is large. It is covered, for the greater part, with a tasteful display of sweets or fruits; two places only being left, near the middle, for the more substantial dishes. Each person is provided with a black bottle of light wine, and every cover (even at a *table d'hôte*) is furnished with a napkin and silver forks. The first dishes which occupy the vacant spaces are always soups; they are quickly removed to the side tables, and distributed by the servants. In the mean time, the next dish is placed upon the table, taken off, carved, and carried round to the guests in precisely the same manner; and so on, till every thing has been served. The plates are carefully changed; but the knives and forks very generally remain through the greater part of the dinner, or, at best, are only wiped and returned. The dishes are so numerous, and the variety so great, that, as everybody eats a little of everything, they seldom take twice of the same. The succession of luxuries is not exactly the same as with us. An Englishman is somewhat surprised to see a joint of meat followed by a fish, or a savoury dish usurp the place

of one that was sweet. To conclude the ceremony, each servant takes one of the sweetmeat ornaments of the table, and carries it, as he has done with the other dishes, to all the guests. During the whole of this time, the conversation has been general and lively, and, beyond a doubt, much more interesting than that which is heard on similar occasions and in similar society in England, where its current is perpetually interrupted by the attention which every one is bound to pay to the wants and wishes of persons at the most distant parts of the table. While the sweatmeats are served, a few glasses of some superior kinds of wine, which have likewise been distributed at intervals during the dinner, are carried round; and then the company, both ladies and gentlemen, rise at the same time by a kind of mutual consent, which, as the rooms are seldom covered with a carpet. occasions no inconsiderable noise. To this succeeds a general bowing and compliment from every one to each of the company individually, each "hoping that the other has eaten a good dinner." This peculiar phrase is precisely the counterpart of another always employed on the parting of friends about mid-day, expressing "a sincere hope that the other will eat a hearty dinner," and is the form of civility most usual in Vienna. The party now adjourns into another apartment, where coffee is served, and where it is frequently joined by other visitors, chiefly men who come without particular invitation, to pay their respects, or converse on business, in the manner of a morning call, and prolong their visits as the movements of the first party indicate: for an invitation to dinner by no means necessarily implies that you are to spend your evening, or any part of it, at the house, or that the family has no other engagement as soon as dinner is concluded, and the guests have taken their coffee and liquors. As the dinner is early, being always between twelve and five, the remainder of the evening is employed in various pursuits. A drive in the Prater, or to some place of public resort, a visit to the theatre, or a succession of the calls I have just described, employ the evening; or, if the dinner has been very early, the party resume the occupations and business of the day.' p. 22-25.

The appearance of the country, and of the peasants our author met with on his entrance into Hungary by Presburg, was far from prepossessing; but is characteristic of an extensive district and its inhabitants.

'The plain is unenlivened by trees, unintersected by hedges, and thinly inhabited by human beings;—a waste of arable land, badly cultivated, and yielding imperfect crops to proprietors who are scarcely conscious of the extent of territory they possess. It is for some branch of the families of Esterhazy or Palfy, known to them only by name, that the Sclavonian peasants who inhabit these regions are employed. Their appearance bespeaks no fostering care from the superior,—no independent respect, yielded with free satisfaction from the inferior. It is easy to perceive, that all stimulus to invention, all incitement to extraordinary exertion, is wanting. No one peasant

has proceeded in the arts of life and civilization a step further than his neighbour. When you have seen one, you have seen all. From the same little hat, covered with oil, falls the same matted long black hair, negligently plaited or tied in knots; and over the same dirty jacket and trowsers, is wrapped on each a cloak of coarse woollen cloth, or sheep-skin still retaining its wool. Whether it be winter or summer, weekday or Sabbath, the Sclavonian of this district never lays aside his cloak, or is seen but in heavy boots. Their instruments of agriculture are throughout the same; and in all their habitations is observed a perfect uniformity of design. A wide muddy road separates two rows of cottages, which constitute a village. From amongst them there is no possibility of selecting the best or the worst; they are absolutely uniform. In some villages the cottages present their ends; in others, their sides to the road; but there is seldom this variety in the same village. The interior of the cottage is, in general, divided into three small rooms on the ground floor, and a little space in the roof destined for lumber. The roof is commonly covered with a very thick thatch, the walls are whitewashed, and pierced towards the road by two small windows. The cottages are usually placed a few yards distant from each other. The intervening space, defended by a rail and gate, or a hedge of wicker-work towards the road, forms the farm-yard, which runs back some way, and contains a shed or out-house for the cattle. Such is the outward appearance of the peasant and his habitation. Of his domestic economy more may be said hereafter.' p. 98, 99.

This he soon had an opportunity of observing, on the estate of Count Hunyadi, at Urmeny, where he was most hospitably entertained, and remained some time to study the economy of a Hungarian farm, of which he has given a minute account.

'Being curious to examine the interior of their houses, I was gratified by the Director, who conducted me into some of them; I believe, however, with a very pardonable selection of the best. I was surprised to find, that men, so negligent of their personal appearance, should enjoy in their houses so much comfort and good order. The door opens in the side of the house into the middle room, or kitchen, in which is an oven, constructed of clay, well calculated for baking bread, and various implements for household purposes, which generally occupy this apartment fully. On each side of the room is a door, communicating on one hand with the family dormitory, in which are the two windows that look into the road. This chamber is usually small, but well arranged; the beds in good order, piled upon each other, to be spread out on the floor at night, and the walls covered with a multiplicity of pictures and images of our Saviour, together with dishes, plates, and vessels of coarse earthen ware. The other door from the kitchen leads to the store-room, the repository of the greater part of the peasant's riches, consisting of bags of grain of various kinds, both for consumption and for seed; bladders of tallow, sausages, and other articles of provision, in quantities which it

would astonish us to find in an English cottage. We must, however, keep in mind, that the harvest of the Hungarian peasant anticipates the income of the whole year; and, from the circumstances in which he is placed, he should be rather compared with our farmer than our labourer. The yards or folds between the houses are usually much neglected, and are the dirty receptacles of a thousand uncleanly objects. Light carts and ploughs, with which the owner performs his stated labour,—his meagre cattle,—a loose rudely formed heap of hay,—and half a dozen ragged children,—stand there in mixed confusion; over which three or four noble dogs, of a peculiar breed, resembling in some degree the Newfoundland dog, keep faithful watch.' p. 118, 119.

From Urmeny, the author proceeded to the gold and silver mines at Schemnitz and Kremnitz, which he has described at great length; as also the various docimastic processes employed to obtain the metals from their ores. The prevalent rock is a tender claystone porphyry, in some places passing into grunstein; the summits of the hills being all composed of this grunstein. The district productive of the precious metals, is about five or six square miles in extent, and contains five great parallel veins, running east and west, and dipping at an angle of eighty degrees. In these veins, consisting chiefly of feldspar, varying from sixty to one hundred and twenty feet in thickness, and connected with each other by small and irregular branches, is found the metallic ore, forming veins from ten to four inches in thickness, and druses lined with crystals of the metal, quartz, and calcareous spar. The great vein of stephani-schacht is remarkable, as diminishing in width as it approaches the surface, which is considered by the miners as an exception to the general rule.

There are twelve great mines in this district, all of which find an outlet for their water at a depth of twelve hundred feet, by one adit, the length of which is estimated at twelve miles. The veins have however been wrought to the depth of eighteen hundred feet; and from these deeper galleries the water is raised by a most ingenious machine, invented by Höll, the chief engineer of the imperial mines. A stream of water, procured from reservoirs in the high valleys, falls through a perpendicular iron pipe, two hundred and seventy feet in length, which, being then bent at a right angle, conducts it into the lower extremity of a large cylinder, in which there is an air-tight piston. The water entering the cylinder, raises the piston to the top, and escapes by a valve which then opens; while, at the same time, the communication between the cylinder and the vertical pipe is interrupted. The piston redescends by its own weight; the water is again allowed to enter the cylinder, and an alternate motion is thus

established. To the piston rod are attached two beams bearing the rods of pumps, which raise the water by successive stages from the deepest parts of the mine. There are three of these machines, each of which raises 1790 cubic feet of water, from a depth of six hundred feet, in an hour. The water employed in working the machine makes its escape by the same adit with that which it has raised. These machines, it is evident, work on the principle of the Hydrostatic Paradox, in the same way as Bramah's press. The perpendicular pipe, in which the water descends, transmits its pressure, through a horizontal tube, to the under surface of a piston of larger diameter than itself, so that it has the advantage of acting with a force proportional to a column of the height of two hundred and seventy feet, and of a diameter equal to that of the wide tube; a force, of course, far greater than its own weight. Though the mechanical advantage derived from this construction must be great, the time for producing the effect wanted, will be increased just in proportion to that advantage, or in the proportion of the section of the wide tube to the section of the small one. The date of this machine is 1749, which shows the great mistake of those who suppose that Bramah was the first who applied this principle to the elevation of great weights. The force of this machine is enormous, though the rapidity of working may not correspond to it. A column of water two hundred and seventy feet deep, is equivalent, by its simple pressure, to about eight atmospheres and a half. What additional force it derives from the comparative sections of the tubes, Dr Bright's description does not enable us to ascertain.

The next object of attention was the capital, Buda, the residence of the Palatine, and the seat of Government. It contains upwards of thirty thousand inhabitants; while, on the opposite bank of the Danube, and connected with it by a bridge of boats, lies the city of Pesth, already of nearly equal magnitude, and rapidly increasing. Its chief ornaments are the National Museum, dedicated to the Natural History of Hungary, with an extensive library, open to the public, and an observatory, recently erected upon a hill rising from the river: great attention has been paid to procure the instruments from Munich, and to render their supports independent of the building. The University, which has a library of fifty thousand volumes, is attended by seven hundred students; amongst them are to be found Jews, as well as Christians of all denominations, complete toleration being allowed throughout the kingdom.

The Government of Hungary, ever since the year 1687, has been a monarchy, hereditary in the House of Austria, limited

by the representatives of the privileged orders assembled in the Diet. The king possesses, however, great and independent power. He assembles and prorogues the Diet at pleasure; and derives, from various sources, a revenue sufficient for the ordinary demands of the State, without being obliged to apply to his people for subsidies or soldiers;—the necessity which usually operates as a check to the throne in limited monarchies. He appoints all officers of state, civil and military, except the Palatine, and the two keepers of the crown. He nominates all the clergy, who enjoy their temporal advantages from his appointment, independent of the Pope's confirmation, which only regards their spiritual functions; and there lies no appeal from him to the Holy See in matters of religion. He alone can grant patents of nobility, and bestows charters of freedom on cities.

The privileged orders are the Nobles, the Clergy, and the Free towns.

The Nobles, who have assumed the title of Populus, have maintained the same privileges which they enjoyed in the time of the Crusades. They are free from all burdens of the State, on condition of serving the King in war; not, however, without the sanction of the Diet. They alone possess landed property, with the power of holding baronial courts, which decide all questions between them and their vassals. A noble cannot be arrested, except for murder or high treason, until he has disregarded repeated summons to give himself up. No peasant or citizen can obtain justice against a noble but through another noble, or the magistracy of a free town; while confiscation of his property, or even death, awaits the individual who violates the person of a noble. The dignity of Magnat, or Superior Noble, is either hereditary, or derived from certain offices of state. Of the former, there are four princes, ninety-nine counts, and eighty-eight barons. Of the latter, the chief is the Palatine, who is chosen for life by the Diet, from four candidates named by the King: He is regent during a minority, president of the upper chamber of the Diet, and names the Vice-Palatine, who commands the nobles when assembled for war. The Vice-roy, Chief Judge, Bannus or governor of Croatia, Dalmatia, and Sclavonia, and the Tavernicus or president of the court of appeal, are also of this class. The Magnats enjoy the privilege of sitting individually in the Diet, or sending a proxy when they cannot attend in person. The established religion of Hungary is Catholic; rendered, however, as already stated, entirely subject to the King. No bishop or archbishop can even make a will without the consent of the King, to whom devolves all unbequeathed property of the clergy. Latterly, no bishop has been allowed to receive from his diocese more than 4000*l.* *per*

annum; the remainder of the revenue being applied to the relief of the inferior clergy, who are but slenderly provided for. The dignitaries of the church sit with the Magnats in the Diet: The chapters of the body of the clergy send their proportion of representatives with the nobility of the counties. These dignitaries are usually younger sons of noble families; while the inferior clergy are from the citizens of the free towns, or more wealthy of the peasantry.

There are also other religions in Hungary, not only tolerated, but enjoying the same political privileges as the Established church. The United Greek Church, although retaining some peculiar ceremonies, acknowledges the Pope as its head, and is therefore classed with the Roman Catholic; but the Evangelical, the Reformed, and the United Greek Churches, enjoy a freedom which might excite a feeling of shame in governments which boast of the toleration and liberty of conscience granted to their subjects. Our author has given an interesting abstract of their rights in the following passage.

'The foundation of these rights is laid in the treaty of Vienna in 1606, and in that of Lintz, in 1645. All laws, privileges and orders, since enacted in contradiction to these treaties, are null and void; as is also the protest of the Catholic clergy, and some laymen, entered at the assembly of the States in 1791, against the new edict of religion. The Evangelical religious worship is, throughout every part of Hungary, free and open (Dalmatia, Croatia, and Sclavonia excepted, where the professors of this faith are neither capable of holding estates, nor of filling offices), wherever the contributors are in sufficient numbers, and possessed of sufficient wealth, to support a preacher and church. They are eligible to all offices of State, and to all employments; on entering upon which, they shall no longer be required to swear by "the Virgin Mary, and all her saints," &c. &c.

The United Greek Church is still more highly privileged: its bishops have a seat in the Diet, and are independent of the King; while their spiritual concerns are under the jurisdiction of a Patriarch chosen by the Greek Church itself. There are but few divisions into sects in Hungary; but there is one too remarkable to be passed over in silence. In Transylvania, there is a body of Unitarians, estimated at thirty-two thousand.

The towns which have obtained their freedom by a Royal charter, form the last division of the privileged orders, and enjoy nearly the same rights as the Nobles. They can hold landed property; and they send representatives to the Diet. The citizens are exempt from tolls, are eligible to all offices, their

persons are sacred, and they elect their own magistrates: But they are subject to have troops quartered upon them; and cannot, individually, possess land, unless they have a patent of nobility.

The whole country is divided into Comitatus, or Counties, which hold meetings for the regulation of their own affairs, and to which the wishes of the King are usually submitted. If the assemblies of the Comitatus refuse to accede to the royal demands, the Diet is assembled, and has the power of deciding without appeal.

The Diet which is assembled for the coronation of a King, the election of a Palatine, and once in five years, or as much oftener as the King desires, for the consideration of state affairs, consists of nearly seven hundred members, divided into four classes. I. The High Catholic Clergy. II. The Magnats. III. The inferior Nobles and Ecclesiastical Chapters, represented by the Deputies of the Comitatus. IV. The Deputies of the free towns. These four classes are arranged in two chambers. In the upper chamber sit the Clergy and Magnats, with the Palatine as president. In the lower chamber sit the Deputies of the Comitatus and free towns, as also the proxies of such Magnats as are absent: the president of this chamber is a noble, who represents the King.

The Diet waits upon the King or his commissioners in the palace, where his wishes are made known to it: After being separately considered in each Chamber, and put to the vote, the decision is drawn up by the Lower Chamber, and laid before the Throne. If sanctioned, it is read in the assemblies of the Comitatus, and becomes law. If the Diet and the King cannot agree, the proposed measure falls to the ground. The two Chambers confer by means of deputies; and each order giving as its vote the voice of the plurality of its own members, the question is decided by the majority of the orders. The Diet, with consent of the King, can alter all laws, except those which affect the succession to the throne, and the exemption of the nobility from taxation.

The King has at his disposal a standing Army of sixty thousand men, which is maintained by the peasantry and free towns: With the consent of the Diet he can also call forth the Insurrection of the Nobles, who, on some of these occasions, have brought forty thousand men into the field. The most curious part of the Military establishment is the militia, intended as a barrier against the Turks, which occupies the Croatian frontier. Every father of a family holds a certain portion of land from the Government, for which he pays a small land-tax, furnishes

his quota to the public magazines, and is bound to take the field when required. While in the field he is maintained, and the land-tax remitted in proportion to his military service. The land descends to the eldest son; and, if there are no male heirs, reverts to the Crown. Sixty or more of these landholders unite into a family, under a Patriarch of their own choice, to whom they yield implicit obedience. All the labour and gains of this family are in common; and no one can quit it without being punished as a deserter. Several of these families united, form a company, under the orders of a captain; and several companies constitute a regiment, commanded by a colonel. The whole economy of this extensive district is military; the agricultural labours are directed by corporals; the courts of justice are composed of commissioned officers; and the whole is subject to the Council of War at Vienna. The force which can be called out is estimated at eighty thousand men; and the line which they are intended to protect, at six hundred miles.

The Revenue derived by Austria from Hungary is calculated at three millions sterling. Of this, five hundred thousand pounds are levied as a direct tax, upon the peasantry and free towns; the remainder is produced by rights of the Crown, independent of the Diet. The chief of these are the crown lands, the monopoly of salt, the coinage, the gold and silver mines, the customs, fines, the income of vacant bishopricks, the tax paid by Jews for the right of residence, and the post. The burden imposed upon the peasants and citizens in maintaining and transporting troops and stores, is estimated at three hundred thousand pounds additional.

Although some of the orders enjoy privileges detrimental to the general interests of the country, yet the voice of the Diet in making laws, and in the imposition of taxes, and, above all, the unlimited freedom of religious opinion, render the government of Hungary far superior to the despotic systems which surround it. We must now, however, turn to the dark side of the picture, in which we shall find the Peasant at the mercy of his lord, and bearing the whole burden of the State, without a single privilege; a statement fully borne out by the following account of his relation, to the King and Nobles.

'The manner in which land is possessed and distributed in this country, is very singular. No man can possess lands who is not a noble of Hungary. But as all the family of a nobleman are also noble, it is supposed that, in every twenty-one individuals in the nation, one is of this class. The lands descend either entire and undivided to the eldest son, or are equally divided amongst the sons, or, in some cases, amongst the sons and daughters; so that many of the

nobles become, by these divisions, extremely poor, and are often obliged to discharge all the duties of the meanest peasant. If any of these nobles wish to sell an estate to a stranger, however high in rank, even to a noble of the Austrian empire, application must first be made to the surrounding proprietors, to learn whether they wish to purchase at the stipulated price; if they decline, the stranger may purchase it for a period of thirty years; at the end of which time, any branch of the family which sold it, however distantly related, may oblige the stranger to surrender his bargain. This goes so far, that, in many cases, though the purchaser be a Hungarian noble, the family of the former possessor can reclaim itafter thirty years, on payment of the original price, together with expenses incurred in the buildings and improvements which have been made during that period. The litigation, ill-will, and evils of every kind to which such laws give rise, are beyond calculation.

'The peasants on these estates were formerly bound to perform indefinite services, on account of supposed grants and privileges likewise little understood. Maria Theresa put the whole under certain regulations, which left less arbitrary power in the hands of the lord. She fixed the quantity of land upon each estate which was to remain irrevocably in the possession of the peasantry, giving to each peasant his portion, called a *Session*, and desiring the services which should be required of him by his lord in return. The only points determined, however, were, first, the whole quantity of land assigned to the peasants; secondly, the relation between the quantity of land and the quantity of labour the lord should require for it. The individual peasants are not fixed to the soil, but may always be dismissed when the superior finds cause; nor is it of necessity that the son succeeds to his father, though usually the case. The peasant has no absolute claim to a whole session:—if the lord please, he may give but half a session, or a third; but, in this case, he cannot require more than one-half or one-third of the labour. The quantity of land allotted to a whole session is fixed for each *comitatus* or county. In the county of Neutra, where Urmeny is situated, it varies, according to the quality of the soil, from twenty to thirty ioch, each equal to 1.46 acres, or nearly 1½ English statute acre; and of these, sixteen or twenty must be arable, the rest meadow. The services required of the father of the family for the whole session, are one hundred and four days of labour during the year, if he work without cattle; or fifty-two days if he bring two horses or oxen, or four if necessary, with ploughs and carts. In this work he may either employ himself, or, if he prefer and can afford it, may send a servant. Besides this, he must give four fowls, and twelve eggs, and one pfund and a half of butter; and every thirty peasants must give one calf yearly. He must also pay a florin for his house,—must cut and bring home a klaster of wood,—must spin in his family six pfund of wool or hemp, provided by the landlord;—and, among four peasants, the proprietor claims what is called a long journey, that is, they must transport

twenty centners, each one hundred French pounds weight, the distance of two days' journey out and home; and, besides all this, they must pay one-tenth of all their products to the church, and one-ninth to the lord. Such are the services owed by the peasant; and happy would he be were he subject to no other claims. Unfortunately, however, the peasant of Hungary has scarcely any political rights, and is considered by the Government, much more than by the landlord, in the light of a slave. By an unlimited extension of the aristocratical privilege, the noble is free from every burthen; and the whole is accumulated upon the peasant. The noble pays no tribute, and goes freely through the country, subject to neither tolls nor duties: But the peasant is subject to pay tribute; and although there may be some nominal restrictions to the services due from him to Government, it can safely be said that there is no limit, in point of fact, to the services which he is compelled to perform. Whatever public work is to be executed,—not only when a road is to be repaired, but when new roads are to be made, or bridges built,—the county meeting gives the order, and the peasant dares not refuse to execute it. All soldiers passing through the country are quartered exclusively upon the peasantry. They must provide them, without recompense, with bread, and furnish their horses with corn; and whenever called upon, by an order termed a "*forespann order,*" they must provide the person bringing it with horses and means of conveyance. Such an order is always employed by the officers of Government; and whoever can in any way plead public business as the cause of his journey, takes care to provide himself with it. In all levies of soldiers, the whole falls upon the peasant; and the choice is left to the arbitrary discretion of the lord and his servants.' p. 110—113.

In addition to all these burdens, operating constantly to check the prosperity of the peasant, he is liable to suffer imprisonment and stripes by the sentence of a Baronial Court, (*Herrenstuhl*), composed of the immediate dependants of his lord. Indeed, the traveller is warned of his being in the vicinity of the residence of a noble, by meeting bands of peasants at work in irons, under the guard of heiducks or police officers; and the first sound which salutes him on entering the gateway of a palace, is the clanking of fetters in the dungeon constructed in the outer wall of the court. Of the nature of these prisons we may judge from the following description of that of Keszthely; according to the author, one of the best he saw.

'Under the guidance of the keeper of the prison, I entered by a door well barred and bolted. Instantly seventeen figures, all in the long Hungarian cloak, rose from the ground on which they were sitting. Besides themselves, the room, which was not above twelve feet square, presented no one object: no table, bed, or chair. It was ventilated and lighted by several small grated windows, high up in the side of the walls. The prisoners were most of them young men;

some had been tried, others had not; and some had been confined seven or eight years. Their crimes were very different; but no difference was made in the mode of treating them, excepting as to the number of lashes they were to receive at stated times, or the number of years they were to be imprisoned. Such was their residence during the day-time, when they did not go out to work. We next proceeded to the dungeon in which they are confined during the night, the jailor taking the precaution to disguise unpleasant smells, by carrying a fumigating pot before us. On opening an inner door, we entered a small room, in the corner of which lay two women on beds of straw. In the middle of the floor was an iron grate. This being opened by my guide, he descended first, by means of a ladder, with a lamp in his hand, by the light of which I perceived that we were in a small antichamber, or cell, from which a door opened into the dungeon, the usual sleeping place of all the male prisoners. It was a small oblong vaulted cave, in which, the only furniture was two straw mattresses. A few ragged articles of dress lay near the place where each prisoner was accustomed to rest upon the naked floor. In one corner of the room was a large strong chain; and, at about a foot and a half from the ground, round the whole vault, were rings let into the wall. The prisoners, at night, having laid themselves upon the ground, the chain is put through the irons which confine the ancles of three of them, and is passed into a ring in the wall; it is then attached to three more, and is passed through a second ring, and continued in this way till the complete circuit of the room is made. The ends of the chain are fastened together by a padlock, by which the whole is secured.' p. 440—441.

It is evidently impossible that the peasant, without capital, and exposed to such treatment, can do justice to the thirty acres of land allotted to him; and we accordingly find them very ill cultivated. During the first year, wheat and rye are sown in winter; in the second, wheat and maize in the spring; in the third, the land is fallow. In the fourth and fifth years, the winter and spring crops are repeated; and the sixth again brings round the fallow, with such manure as they are able to give. The meadow land continues to afford them hay without interruption, which is left out during the winter in large heaps, without any protection from the weather. The corn, after being trodden out by oxen, or beaten by a flail consisting of a large bullet at the end of a stick, is put into holes dug in the ground, which have been previously dried by fire and lined with straw, and then covered over with earth. From this mode of keeping, it usually acquires a musty taste, and is at the same time impoverished in quality. We believe a more [illegible]de state of agriculture has hardly been described by any tra[illegible]ller among the uncivilised nations of either Asia or Africa.

From Buda, our author returned direct to Vienna, by Raab, along the banks of the Danube; but soon set out again, to visit the more southern districts of Hungary. After visiting Eisenstadt, the residence of Prince Esterhazy, he proceeded to Keszthely, the seat of Count Festetits, on the shore of the lake of Balaton, where he enjoyed the best opportunity of becoming acquainted with the management of land, in the hands of the noble proprietor. Of the complex system adopted in the administration of the property, he gives the following description.

'To regulate such extensive domains, we may easily perceive that much accuracy of detail is necessary, and, at times, not a little exertion of power. Accordingly we find, in a well regulated Hungarian property, all the subordination which exists in an army, united to all the accuracy of accounts, which is necessary to conduct a mercantile concern. To procure this, a central office is instituted, the mandates and regulations of which are absolute. This office is usually at or near the estate on which the Magnat resides, if he resides on any, and may be considered as the seat of government of these little principalities; such is Eisenstadt to the estates of Prince Esterhazy, Keszthely to those of Graf Festetits, and Kormond to those of the Prince Batthyani. Here a court of directors is held at stated periods, usually every week; but this will vary, as well as the number of officers who compose the court, according to the extent of the estates, and the will of the possessors. The following, however, may be considered as the usual officers of such a court:—a *President* or *Plenipotentiary*, whose office it is to preside over all judicial proceedings, and to represent the person of the Magnat. The *Director of Causes*, or *Solicitor*, who conducts legal processes in the assembly of the comitatus, and is employed in other law business. *Five Assessors*. 1*st*, The Prefect, who is referred to by the court in all agricultural affairs, and who superintends the agriculture of the whole domain. 2*d*, The Auditor, referred to in matters of accounts, and who superintends all articles of receipt and expenditure. 3*d*, The Engineer, referred to on all architectural, geometrical, and mechanical subjects. 4*th*, The Fiscal, referred to in law affairs before the directors. 5*th*, The Keeper of the Archives. The secretaries, the clerks, &c. At this court is taken a review of all which has passed, both judicially and economically; and all the alterations and improvements which may be suggested, are brought under consideration. Accounts and statements sent in from distant estates are examined; plans of operation for the future, and regulations and directions to be issued in consequence, are finally agreed upon. In some instances, these regulations and orders are printed; particularly if any radical change is to take place, or any admonitions of general importance are to be enforced.

'The Hofrichter, or steward of each separate estate, is required to send to the directors monthly reports of his proceedings, with hints

of his future projects, and a most accurate account of all expenses; together with the quantity of produce which remains on the estate. The Hofrichter likewise holds his weekly court, to regulate the concerns of the particular estate which is under his individual management. The officers of each estate are nearly as follows:—the *Fiscal*, who takes charge of the law affairs of the lord; the *Hofrichter*, or steward, who conducts the agricultural concerns; the Forest Master; the Engineer; the Treasurer; several *Ispans*, whose duty it is to execute the orders of the Hofrichter, each in his particular district of the estate; many *Pazela*, who, under the direction of the *Ispans*, superintend the labourers; many *Heiducks*, or officers of police, who likewise guard the prisoners, and keep the labourers to their work; Forest-keepers; Rangers; and a Gaoler, (Porkolab).' p. 373-375.

The necessity of having intelligent and well educated officers to carry into effect this cumbrous system, has caused the institution of schools expressly for their education. We must refer to the work itself for a full and interesting account of the Georgicon, or agricultural school established at Keszthely by Count Festetits. In this establishment are maintained and educated eight or ten pensioners; and as many independent students are admitted as choose to attend. The course lasts three years, in which time they are instructed in Mathematics, Natural Philosophy, Chemistry, Natural History, Veterinary Medicine, and Law; while, on a large experimental farm, they are taught Agriculture, as practised by the Norfolk farmers, the management of forest and fruit-trees, and the care of cattle, sheep, swine, and bees. There is also a school for the education of girls as housekeepers. From the pensioners are chosen the officers of the Count's extensive estates; and the independent students are eagerly sought to fill similar situations by the nobility of the country. Institutions of a similar description have been formed by the Government at Schemnitz, Szarvas, Karanselics, and Maria Brunn; and by the Nobles at Szent Miklos and Eisenstadt. There are many more dispersed through the Austrian dominions; and they have all received their chief improvements, both in agriculture and in their implements of husbandry, from the celebrated Fellenberg of Hofwyl in Switzerland. Before Austria, however, can reasonably hope that these schools are to improve the cultivation of her territories in the same degree with that of Hofwyl, she must place the scholar in the same situation, by giving him the same motives for exertion—freedom—and security of property.

Count Festetits has made this experiment on a large scale. Having purchased an estate in the Murakös, a tract of country between the Muhr and the Drave, he granted lands to the pea-

sants at a fixed annual rent, a few only remaining on the common tenure of service. In these free villages, the value of land has risen to such a degree, that the owner of four acres is esteemed wealthy, and the population has increased from fifty families to six hundred. Although still subject to the government duties, and suffering from the effects of two bad seasons, and an inundation of the Drave, these peasants were, in 1814, striving cheerfully with the difficulties of their situation; while their neighbours, on the common footing, although each family possessed thirty acres, were reduced to subsist on the bounty of their lord. These free villages also afford an exception to the general dishonesty of the Hungarian peasantry; their household furniture is often exposed on the outside of the cottages, and does not even require the protection of the large dogs common in the rest of the country. As, however, on hereditary property, no arrangement made by the lord is binding on his successor, this amelioration cannot become general without an act of the Legislature.

Hungary produces great abundance of corn, wine, (of which the tokay is the best), and fine wool; it contains also extensive forests, mines of gold and silver, and of salt: But much remains to be done, to enable its inhabitants to derive a due profit from these productions. At present, trade is entirely in the hands of Jews, Greeks and Armenians, who travel from fair to fair, and purchase from the peasant at a low rate: their gains are of course immense. The only article manufactured for exportation is leather.

There is a considerable difference in the appearance of the country in the northern and southern extremities of our author's tour. In the north, we find an immense extent of unenclosed arable land, over which the eye wanders without interruption, except from a few small forests and thinly scattered villages. In the south, the surface is diversified with small elevations laid out in vineyards interspersed with fruit trees; while in the vicinity of the lake Balaton, are rich pastures, from which rise several insulated basaltic hills. The whole of these districts are bounded, excepting to the eastward, by fine mountains, which limit the waters tributary to the Danube. To the eastward lies an entirely level and open country, comprehending all Eastern Hungary, and extending from where the Theiss issues from amongst the hills, to its junction with the Danube. Between these rivers there is a great extent of marsh, and some peat-moss, while the drier districts are sandy; often indeed covered with moving sands, said to contain marine shells. Here and there are found miserable villages, affording a shelter to the herdsmen who

watch the cattle in the pastures, which appear like caves in this desert. This country, however, contains one city, Debretzin, with a population amounting to forty thousand souls. It is the centre of commerce of Transylvania and Hungary, and its inhabitants, are all occupied in trades more immediately concerned with the necessaries than the luxuries of life. The houses are all strictly cottages, upon the same plan with those already described; and every month is formed, for a time, an immense suburb of booths and covered waggons, for the accommodation of the travelling merchants who frequent the fairs.

The only objects of curiosity to the mineralogist afforded by Lower Hungary, are the insulated hills already mentioned, as occurring in the vicinity of the lake of Balaton. Our author has described three of them which he visited. The hill of Csobantz consisted of a porous scoriated lava, partly in loose masses, partly *in situ*, covered at the base with a sand containing particles of iron and some other substance glittering like small fragments of mica: the summit alone was basaltic greenstone. The hill of Badacson consisted of the same porous lava capped with columnar greenstone, but in horizontal beds of about a foot in thickness, and containing olivine. In one place he observed, during the descent, a sandy tufa with scoriated fragments, which resembled closely a mass found on the side of Mount Hecla. The hill of Szigliget was composed entirely of this tufa, seemingly stratified near the summit; but being on one side quite cut down, it showed a perpendicular vein or dyke of greenstone, in horizontal columnar masses, which had produced considerable hardness and compactness in the sand immediately in contact with it.

As earthquakes are not unfrequent in the vicinity, Dr Bright seems inclined to consider these hills as volcanic: but as there is no good evidence of the existence of a crater, and no vestige of a stream of lava connected with them, we think this at the least very doubtful. In the way to Vienna through Styria, he visited at Gratz the Joannæum, founded by the Archduke John, who, after an accurate survey of Styria, presented to the public the museum and library collected during his inquiries. Lectures were afterwards instituted on all the branches of natural history and philosophy. This institution has furnished, in the person of Professor Mehs, a successor to the celebrated Werner at of Freyberg.

Those who wish to be become intimately acquainted with the government and rural economy of Hungary, will find in the work before us every detail they can desire; the author having not only made the best use of his own opportunities of observa-

tion, but also consulted the most respectable native writers upon these subjects. From them he has extracted, and thrown into the form of an Appendix, tables which contain the statistics of each county, the produce of the mines, the culture of the vine, and mode of preparing tokay, and the quantity of corn grown in the Austrian dominions. To these he has added a description of the coronation of Joseph the First, and an essay by a friend on the Gypsies or *Gitanos* of Spain, with a vocabulary of words and phrases common to those people, as found in Spain, Hungary, and England. Many curious facts concerning their origin and customs are contained, both in this essay and in the body of the work.

Art. XI. *A Complete Collection of State Trials and Proceedings for High Treason and other Crimes and Misdemeanours, from the earliest Period to the year* 1783; *with Notes and other Illustrations.* Compiled by T. B. Howell Esq., F. R. S. F. S. A.: with a Continuation to the present time by his Son T. J. Howell, Esq. 24 vol. 8vo. London, Baldwin, Longman, &c. 1809–1818.

Though Jurisprudence is the most important of all the sciences, yet, unhappily, it seems to advance the most slowly towards perfection. If we compare the real improvements which the lapse of a century produces in legislation, with the progress of any branch of physical knowledge during a very few years, we shall presently be struck with the different rates at which men advance in the discovery of truths chiefly interesting as matters of speculation, and in the establishment of principles the most intimately connected with human virtue and happiness. But if the lawgiver and his commentators, literary and judicial, be slow of motion, they certainly cannot be accused of inactivity. They make little way, but abundance of stir. Compared with the effect produced, the exertion is indeed extraordinary. At all times, the makers and expounders of the law seem to have enjoyed a special privilege in the matter of prolixity and voluminousness. When Justinian compiled his Institute, the writings on the Civil law were said to be '*multorum camelorum onus*:' and the consequence was, that the science was so little known, and its professors so little respected, that if, in any society at Rome, a great jurisconsult was mentioned, the odds were, that nobody knew who it was, while the more polite part of the auditors took it for the name of some foreign fish.

In our own country, the mass of law and commentary is even more overwhelming; and the oracles of one age become neglected and forgotten in the next. Of the 'multiplicity and voluminousness' of the statutes, complaints were urged near a century ago by learned men; and, for some years past, the average of new law-books published in a year, and which the practitioner must more or less frequently resort to, amounts to eight or ten volumes. To avoid giving invidious examples from recent times, of the changes effected in the estimation of those works, we shall cite an anecdote of Stathom, the author of the first Abridgement of Cases,—which is applicable to far shorter periods of time than the distance between Henry VI. and Charles I. Of him Fuller (in his *Worthies*) quaintly observes, that 'his book is much esteemed for the antiquity thereof; for, otherwise, lawyers behold him as soldiers do bows and arrows since the invention of guns, rather for sight than service.' Yea,' (adds he) 'a grandee in that profession hath informed me, that little of Stathom, if any at all, is law at this day; so much is the practice thereof altered,—whereof the learned in that faculty will give a satisfactory account; though otherwise it may seem strange, that reason continuing always the same, law grounded thereon should be capable of so great alteration.'

Although the greatly increased volume of the '*State Trials*,' from one generation to another, furnishes no exception to this rule, yet unquestionably it forms by far the most important part of the juridical library. The subjects are almost all of general and permanent interest. The discussions were solemn, and the decisions well considered. Prejudice, violence, or corruption, may often have misled; but at least every thing was fully investigated, and the error or the fault committed may be traced and corrected in the history of the proceeding which it disfigures. They contain much of the *origines juris*. Beside the principal cases themselves, a variety of points are incidentally discussed with great care, from the interest attached to everything connected with such high affairs. They throw great light upon the progress of the Constitution; indeed they form an essential branch of Parliamentary History, where alone the Constitution can be either traced through its changes, or accurately learnt by its principles. Nothing can well be figured more opposite to the Reports of Cases which abound in the present day—intolerably augmenting the labour of the student—tormenting the practitioner—overlaying what is sound and useful—discouraging the acquirement of scientific knowledge—substituting, for the study of principle, the empirical recollection of facts—perpetuating whatever mistakes may accidentally be committed—and render-

ing their extirpation both difficult, violent and hurtful, by saving them from the natural death which awaited them.

A valuable service was, therefore, rendered to the student of law for practical purposes; and still more to him who would examine its principles with the eye of a philosopher and an historian, by the original editors of the great work which we now have before us in its last and nearly perfect state. It was first undertaken a century ago, under the superintendence of Mr Salmon, and consisted of four volumes folio. This edition was followed immediately by an additional volume, and soon after by an octavo in eight volumes, which we have never seen, but understand to be an abridgement; and in 1738, Mr Salmon published, in folio, his Critical Review of the State Trials, an abridgement of considerable utility and merit; although Mr Hargrave justly censures the strong Tory prejudices with which it is tinged. In 1730 was published the edition, commonly called the second, in six volumes folio, by the learned, ingenious, and enlightened Mr Emlyn; a man who enjoys considerable reputation in the profession for his edition of Sir M. Hale, but whose merits seem to have far exceeded the fame with which his modest ambition rested satisfied. Beside the addition of a sixth volume, bringing the work down from the reign of Queen Anne to the end of George I., and an Appendix of Records, which made the work a book of Entries as well as Reports, Mr Emlyn enriched the whole with references to the law-books and works of undoubted authority; and, above all, with a Preface, which abounds in learning, and is distinguished by peculiarly sound and liberal opinions. He there points out, with a masterly hand, some of the most remarkable peculiarities in the system of English jurisprudence; praising its excellences, and freely exposing its defects. We shall extract a few passages from this admirable piece, because they bear very powerful testimony to the doctrines which some are called ignorant, and others criminal, for broaching, however soberly, in the present day. But first it may be observed, that several additions of importance, and some lesser alterations, were made in the last edition; and it is remarkable, that these changes should have escaped so diligent and learned a person as Mr Hargrave, who speaks of the Preface to the edition in 1742 as a mere reprint of the Preface of 1730.—(1. Harg. St. T. Pref. iii.)

One of these additions is attended with somewhat singular circumstances. Mr Emlyn, in 1730, exposes most justly the absurd practice of engrossing all pleadings, criminal as well as civil, in Latin and a Court hand, so as to render them at once illegible and unintelligible to the parties most interested in them. In the republication of 1742, we find the same passage not only

preserved, although the act remedying the evil had passed in 1731 (4. Geo. II. c. 26.), but altered and considerably enlarged, a new argument being added. Now, as there is a note referring to the statute which had removed the grievance, it should seem that Mr Emlyn had altered the Preface soon after it was first published, but had died before it was finally corrected for publication. * The learned editor of the work before us, following the inaccuracies of the edition 1742, gives the Preface of 1742, with the date of 1730, and the name of the author affixed, although he only signed M. N. to the first edition of it. † We ought to add, that the greater part of the first extract which we are about to give was added to the publication in 1742, and is not to be found in the original edition.

'It has been esteemed an advantage of our law, that it does not inflict various and cruel deaths: that which is inflicted for treason, is the only one which has any appearance of severity; and even there, in the execution, it is generally the same with other capital cases. But yet it must also be observed, that our laws are very liberal of the lives of offenders, making no distinction between the most atrocious and heinous felonies, and those of a less degree. If a man commit a single robbery, hanging is the punishment inflicted by law; if he commit robbery and murder, with never so many cruel circumstances, the punishment is still the same, and no more. So little regard is had in proportioning the punishment to the offence, that the law makes no difference between picking a man's pocket ‡ and cutting his throat; between stealing his horse, and firing his house about his ears. How far this is either just or prudent, is left for every man's own reason to determine. It is certainly a strong temptation to an highwayman to add murder to robbery, when by that means he runs less danger of a discovery, and no danger of a severer punishment.'—

'However, not to enter into a discussion of the lawfulness, or justice, of taking away life for every kind of offence, a consideration which, the learned Spelman observes, has not its due weight in later ages, yet methinks so long experience might have taught us how ineffectual it is to answer the purposes for which it is designed.

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* It is certain, however, that he lived several years after the date of the statute; for the Pleas of the Crown were edited by him in 1736.

† A circumstance somewhat similar to the one pointed out in the text, occurs in the Observations upon Gaols and Gaolers' Fees. Though these bear date *March* 27, 1730, mention is made of the matter as under the consideration of Parliament; yet the 2 *Geo. II. c.* 22., to which he refers, had been passed the year before.

‡ This capital punishment has since been expunged from the statute-book by the great legislator whose loss all [illegible]pe now deplores.

Death is *ultimum supplicium*: and is therefore intended only for crimes of the highest rank; but when it is indiscriminately inflicted, it leaves no room to difference the punishment of crimes widely different in their own nature. The lower part of mankind are apt, in dubious cases, to judge of the heinousness of the offence by the severity of the punishment: but yet, when they see the same punishment annexed where the difference of guilt is manifest and apparent, they soon lose the sense of that extraordinary guilt, and, *instead of conceiving worse of the crime, they only blame the cruelty of the law.* Further, when such numbers are continually ordered for execution, (as must be the case where death is made the common punishment for ordinary crimes), the frequency of the example destroys the terrors of it, and makes it less dreaded than going to the gallies, or any place of hard labour. Besides, when the punishments are so very disproportionate to the offence, it defeats the end of them; forasmuch as *those who have any tenderness or humanity in their temper, will much rather forbear wholly to prosecute* than be made the instruments of putting such severe laws in execution. Instead, therefore, of being a means of bringing the offenders to punishment, it is sometimes the very reason why they escape with impunity.' (*Edit.* 1742, I. x.)

It is peculiarly gratifying to find such sentiments as these expressed at so early a period; and no less pleasing to find the following passage which is in the edition of 1730. Speaking of compulsory labour as a punishment, and of the right to employ it for this purpose, he says, 'I am sure it is a much more lawful method of making slaves, than the practice of kidnapping and stealing men from the African shore, and forcibly carrying them away from all their friends and relations, into a miserable slavery in America, without any better title than what arises from the difference of complexion.'

No one conversant with our statute law, and especially the more recent portions of it, can fail to admit, that since the period when Mr Emlyn wrote, the evil complained of in the following passage has increased beyond all endurance, and has almost verified the prediction of that learned and sensible person. Speaking of the 'multiplicity and voluminousness of our laws,' he says, (and the labours of almost ninety years have since mightily augmented the rude and indigested mass), 'If what lies scattered in so many various (some obsolete) acts were (so much of them as should be judged fit to be continued) collected under their several heads into so many distinct acts, the law would be much more plain and easy; whereas now, considering the variety of subjects * which are often thrown to-

* This one evil has been to a great degree corrected in the statutes of later years—but the old acts continue with the same discrepancy between the title and the enactments. . . . . . *

gether into one act, and, though various, relating to one and the same subject, it is no easy matter to find out the whole relating to one particular head; and when it is found, many difficulties arise from the clashings and inconsistencies of the several acts, the old ones not being always sufficiently consulted when the new ones are made; so that it is to be wished we may never feel the inconveniencies which Tacitus complains of in his time.' '*Antehac flagitiis laborabatur, nunc legibus.*'

We have already alluded to Mr Emlyn's remarks upon the use of a dead language in all records, although that absurdity was abolished soon after he wrote; and we recur to these matters for the purpose of observing how instructive the history of the change is to those who cry out against every alteration of judicial practice as replete with danger, and descant on the hazard of entering too precipitately even upon plausible reforms. Never perhaps was there a more glaring absurdity in any system of jurisprudence than the one in question. The common sense of all mankind must for ages have pronounced against it, as a thing hardly to be credited in the history of the most barbarous people. Yet only mark how long it triumphed over reason, and how reluctantly it was abandoned by the professors of the law. Four hundred years before the stat. of Geo. II. put it down, our ancestors had made the first step towards rendering judicial proceedings intelligible to those who alone were interested in them, the parties and the publick, by prohibiting the use of French in oral pleadings; and the very next step which the Legislature was permitted by the lawyers to take, was the one we are now adverting to, after the lapse of that vast interval. The statute of Edward III., * whilst it put an end to the practice of speaking a foreign living language in the Courts, ordained all the writings to be in a dead language, much less intelligible to the people. But as few in those days could read any thing, the inconvenience was not very great.—Towards the middle of the eighteenth century, when the inconvenience, we could almost say the indecency, of the practice was gross and glaring, there was the usual difficulty in obtaining its abrogation; and the accustomed arguments were used in its defence. The Bill met with a strenuous opposition in both Houses; but particularly, as was to be expected, in the Lords, where Lord Raymond, being Chief Justice of the King's Bench, took the lead against it.† The steady determination, however, of the Whig ministers, carried the measure through; and the preamble of the Act is worthy of attention, as well as that of the older statute, because they are couched in terms which form a very striking contrast to the

* 36. Edw. III. c. 15.

† Lords' Debates, IV. 50.

squeamish language of the present day. When, by some extraordinary accident, or by the irresistible force of popular opinion, the friends of liberal and humane policy succeed in carrying any amendment of our code, the greatest fear is always betrayed of seeming to admit that the old practice was absurd and mischievous. The preamble, which should, with becoming frankness and honesty, speak the mind of the Legislature, fritters down the reasons for the enactment to something so obscure and so feeble, as to leave the unlearned reader in great doubt whether or not the change was justifiable, and to convince the learned, beyond all doubt, that it was either reluctantly or unthinkingly adopted. 'Whereas it is expedient to enact, as 'is hereinafter enacted,' is no uncommon preamble in modern statutes.—'Whereas the said act hath not been found effec'tual,' &c. is as far as blame is ever carried. More commonly, the phrase is—'Whereas the said act hath not produced the good 'effects that were expected.' In one instance, where a very gross abuse was to be done away, the iniquitous and senseless privilege of Members of Parliament to receive, without any cost, office copies of bills in equity filed against them, (which rendered it impossible to sue them for inconsiderable sums, especially where more than one were to be made defendants), the only censure passed on the practice was, 'that justice may be ad'ministered more equally in point of expense.' And on another occasion, when a bill, repealing a most barbarous capital felony, was sent up to the Lords, with the preamble—'Whereas it is 'highly expedient,'—their Lordships, out of their signal tenderness towards the bad law now in its last extremity, were pleased, with much solemnity, to expunge the word *highly*; nicely deeming, that though the abrogation might be expedient, it was by no means highly expedient. To all this squeamishness, the preambles of the older statutes afford but little countenance. That of Edward III. speaks openly of the 'great mischiefs' occasioned by the use of a foreign tongue in pleadings; states the advantages arising from every man understanding the law, and thus being able to govern himself, without offending it; and adds, (what in our times would be held little less than disaffection), that 'in divers regions and countries where the king, the nobles, 'and others of the realm have been, good governance and full 'right is done to every person, because that their laws and cus'toms be learned and used in the tongue of the country.' The statute of Geo. II. follows, in great part, the words of this honest preamble; and adds, that it is meant to 'protect the lives and 'fortunes of the subject, more effectually than heretofore, from

'the peril of being ensnared and brought in danger by forms 'and proceedings in courts of justice in an unknown language.' We have been led unawares into this digression, by the great interest of every thing relating to that short but important chapter in our political annals, which records the history of the amendments of the law. But we must now return to trace the progress of the work more immediately before us.

In 1735, the seventh and eighth volumes were edited, but not by Mr Emlyn; and, in 1766, after the third edition had appeared of the first six volumes, a ninth and tenth were added. At length, in 1775, Mr Hargrave published a complete edition of the whole ten volumes. Beside furnishing a new preface, and reprinting all the former ones, * he did not profess to make any additions or alterations, until the year 1781, when he published his eleventh and supplementary volume, in which a number of most curious and important cases are given, with his usual fulness of learning and illustration, and a uniform set of tables, alphabetical and chronological, added, so as to make the entire series for the first time one whole work, and easily consulted. The industry of Mr Hargrave added no less than twenty-eight cases to those of the period over which the former editions extended; beside three celebrated causes, *Falerjos* v. *Mostyn*,—*the Dutchess of Kingston's Case* (the most frequently cited of any perhaps in the whole State Trials),—and *Rex* v. *Horne*. He likewise gave an appendix of eight valuable juridical pieces, formerly scattered over different Reports, and highly convenient to have brought together.

Valuable as Mr Hargrave's was beyond all the former editions, there is no doubt that he left a great deal to be done by succeeding editors, even upon the ground which he had laboured. He admits himself, that *there are upwards of a hundred Parliamentary trials during the period embraced by his edition, and which former editors had omitted, that is, Impeachments, Bills of Attainder, and Bills of Pains and Penalties.* Yet his eleventh volume only contains six of those hundred proceedings, which, with those of the preceding editions, do not make above five-and-thirty in all. That learned person had not added a single note or illustration to the ten first volumes; yet, since Mr Emlyn's time, many points had occurred, and many sources of information been opened, which required the notice of an elaborate editor. There remained likewise a number of interest-

* He omits, however, a curious calculation in the second edition, where the price is deduced from taking 1146 sheets at three halfpence a sheet for small, and 2½d. for large copies.

ing trials in Scotland, especially during the reigns of Charles II. and James II., which had escaped the attention of all former editors, and yet were calculated to throw great light upon one of the most interesting periods of both Scottish and English history, the struggles for civil and religious liberty which preceded the glorious Revolution of 1688. Since the date of the former edition, too, a memorable period of political history had elapsed; and the State Trials, to which it had given rise, were among the most interesting in themselves, and the most important in their consequences, of any in the juridical annals of the country. Lastly, as, in former cases, the extreme interest of any proceeding, and the importance of the legal questions to which it gave rise, had been held a sufficient reason for classing it among the State Trials, although it bore no reference to public affairs: so, there were many causes which had occurred in later times deserving of a similar station, from their tendency to excite men's feelings, or to display the talents of advocates, or to raise nice legal discussions, or indirectly and remotely to affect political interests. It seemed as if all these circumstances required a new and more full and elaborate edition of this great work at the present time; and happily the qualifications requisite in an editor were found united to an extraordinary degree in the gentleman whose work is now before us.

Mr Howell was a man of independent fortune, who had been bred to the profession of the law; but from taste, as well as from circumstances, had addicted himself more to the study than the practice of jurisprudence. He possessed extraordinary diligence and powers of research; and took great delight in everything relating to the study of legal antiquity. Though by no means a man of regular habits, yet such was his fondness for these inquiries, that it may be doubted whether any common drudge could in the same time have mastered as great a mass of materials as he did, by constantly keeping the subject in his mind more or less, and, at intervals, labouring with uncommon assiduity and zeal. Even when working the least upon it, he never lost sight of his great purpose; and was constantly adding, either to the book itself as it proceeded, or to his materials for enlarging and enriching it. His opinions on political subjects gave the inquiries in which the progress of the book engaged him, a double relish, and communicated an additional importance to his researches; for he was the warm and steady advocate of constitutional liberty, which he prized highly in proportion as he had deeply studied its foundations and the progress of its structure. This felicity and this praise he shares with all the former editors except Salmon, whose concern in the origi-

nal work was little more than mechanical, although he laid claim to a somewhat higher title by his subsequent commendable abridgement. His principles were of the worst and narrowest description; and all his remarks are deeply tinged with them. He was a prejudiced Tory of the school hostile to the Revolution; and had none of the liberal views with which many advocates of the old system have, since its overthrow, tempered the violence and bigotry of their original opinions. No men can be imagined more opposite to him, and better calculated, from the accidental circumstances of their political creed, as well as from their intrinsic qualities, to do the work justice, than the three who have since undertaken it, and the last of whom seems to have carried it as near perfection as posssible—Emlyn, Hargrave, and Howell.

The name of Mr Cobbett was originally affixed to this work; but, in the Advertisement which he published, he appears to admit that his name only was used; nor is there any reason for suspecting that he ever contributed more than the advertisement itself. Mr Howell very soon came to be known as the real editor, and for many years no other person has been named in the title-pages. The work was brought down by him to 1781 before his death, when it consisted of twenty-one volumes; to which eight or ten more are now to be added under the superintendence of his son, who, beside other assistance, enjoys, of course, the benefit of all his father's collections.

Of the manner in which Mr Howell has executed his task, and the value of his work, it would be difficult to speak in terms of too high praise. The reduction of size alone from folio to octavo, must be admitted to form an important improvement, whether we consider cheapness or convenience. But Mr Howell was successful as well as indefatigable in his researches for new matter. To the improved and enlarged edition of Mr Hargrave, he was enabled to add above two hundred articles, consisting of trials and proceedings never before brought together in any such collection. The defect which Mr Hargrave acknowledged he had left in his edition, by omitting above seventy Parliamentary proceedings, connected with the criminal judicature of that high tribunal, has been abundantly supplied by Mr Howell, who appears to have ransacked all the records, as well as all contemporary publications, for whatever could throw light upon this important and interesting subject. The learned editor's temporary residence in Scotland also enabled him to enrich his collection with a considerable number of Scotch trials, during the period between the Restoration and Revolution. By these and the other additions, this work has been augmented

very materially. It may give the reader some idea of Mr Howell's diligence and success, if we state that the first volume, which comes down to the end of Elizabeth's reign from Beckett's trial in Henry II.'s time, and contains comparatively fewer notes, comprises no less than forty-seven new articles in seventy-three, that is, about 700 out of 1452 pages.

But, perhaps, the principal value of Mr Howell's labours is in the notes. These contain all the legal learning and historical illustration which the student can desire; and they furnish him both with references to the authorities or sources of information which he may wish to consult, and with such parts of other works, chiefly contemporary, as throw any light upon the matter in hand. Thus it becomes not only easy and agreeable to study the trials themselves; but any one is enabled to study the different points of discussion which are presented to him, if he is disposed further to pursue the subjects.

We shall convey a better idea of the notes, if we select an example. In Vol. II. p. 1049, we find the case of Mary Smith, executed for Witchcraft in the 13 Jac. I. It is now, for the first time, printed in any collection; and is taken from an old tract printed in 1616, by a divine of that day, who appears to have most entirely believed in the offence. The proceedings are not given, but only the substance of the charges and of her own confession. The notes contain, first, an account of the rare pamphlet from which the case is taken; next the passage relating to witchcraft, in Blackstone, wherein he deduces the history of the offence to the tardy abolition in 1736, and gives a strangely doubting opinion upon the subject; then follows a passage from Selden, expressing no belief in the thing, but unaccountably vindicating a law which should make the pretending to it capital.—A reference is afterwards made to the Obi, or Negro witchcraft, and the place in Edwards where it is described; and the remarks of Daines Barrington on the 20 Henry are abridged. A variety of opinions, anecdotes and references, are then given, from great writers of all ages, tending to elucidate the history of this subject; so that, beside having sufficient lights to study the case to which all these notes belong, the attentive reader may amuse or instruct himself by pursuing it further to almost all the sources from whence the learning of it is to be derived. The conciseness of this, as well as of all the other notes, which consist not of extracts, but are Mr Howell's own composition, merits the highest commendation. Each sentence contains matter, and is full of learned references. The author never deviates into dissertation; but, remembering that he is a commentator, hastens to lend the reader his aid, and to give it in the speediest and most effectual manner.

This publication manifestly deserves the amplest patronage which the public can bestow. Although conducted and completed by individuals, it may truly be called a national work. Both lawyers and statesmen have a peculiar interest in it; but the public at large are intimately concerned in having so perfect a record of all the proceedings which throw light upon the origin and progress of government and of judicial administration. Nor is there any work to which those who merely read to amuse themselves, may be more safely referred for rational and agreeable relaxation. We have long owed this testimony to the singular merits of Mr Howell, and are happy in thus having an opportunity of expressing the gratitude which we feel in common, we should hope, with the rest of the community. It is still, we trust, in time to prevail on his son not to abandon, upon any account, the useful task which he has undertaken, of continuing the work to the present times.

ART. XII. *The Bible, not the Bible Society; being an Attempt to point out that Mode of Disseminating the Scriptures, which would most effectually conduce to the Security of the Established Church.* By the Rev. WILLIAM PHELAW, Fellow of Trinity College. pp. 185. Dublin. 1817.

THIS pamphlet has not been selected for the purpose of discussing the subject of which it immediately treats; but because it affords us an opportunity of saying a few words on the actual condition of the Catholics, and of the Catholic religion in Ireland. The reverend author gives us some new and important views on this subject; and furnishes, indeed, so much detailed information concerning the present state of the Irish Catholics, as to entitle his work to attention from a different class of readers than that for which it was apparently intended.

Mr Phelaw is a clergyman, inveterately hostile to the circulation of Bibles without Church Catechisms,—a Fellow of the very Protestant University of Dublin,—and zealous, above all things, for the Protestant establishment in that country. He has also had the best opportunities of studying, on the spot, the character of the Irish Catholics, in all their relations whether religious or political; and should therefore be an authority above all suspicion with those whose general principles coincide with his. Now, it is to persons of this description that we would particularly recommend the perusal of his book; and especially to those among them who are hostile to the emancipation of the Catholics, from a supposition that Popery flourishes among

them in all its ancient power and splendour; who think that all who outwardly profess it are irrevocably attached to it; or who have brought themselves to believe, that they are the only Dissenters from whom the Established religion is in danger. The statements of Mr Phelaw, we think, should go far to disabuse them of these prejudices—his opinion being, in a word, that Popery is verging fast to decay in that kingdom; and that the only real hazard is, that they will be converted by Protestant sectaries, and not by the orthodox champions of the Church.

'I have been the more anxious,' says he, 'to familiarize my readers to the novel contemplation of the "conversion of the Romanists," because I am deeply impressed with the conviction, that on them depends the fate of the Church in this country. The signs of the times prognosticate a great religious revolution amongst the Roman Catholics of Ireland; and the Establishment will stand or fall, according as they unite themselves with Churchmen or Dissenters. 'If they should become Calvinists, or Socinians, Baptists, Methodists or Independents, what will they have gained in real Christian edification, or the United Church in strength or security? On the contrary, is it not evident, as to this latter point, that the present peril of the Establishment will be fearfully increased, if, sanguine by nature as they are, and heated by fanaticism as they then would be, the great mass of our lower classes should ever be drawn into the ranks of the Sectaries?'

Here, then, is the evidence of a zealous advocate of the High-Church party, announcing, with all the authority that belongs to his learning, station, and local knowledge, this most important fact, that the Catholic religion in Ireland, so far from being in a condition to be dreaded for its power, is actually tottering before the influence of Sectarian zeal, and the general improvement of the human mind. This general statement he afterwards proceeds to support, by mentioning, in detail, the several societies which are constantly at work in promoting the revolution which he has foretold, and by explaining how much the indolence of the Established Clergy, and the political hostility of the Government, contribute to lead the Catholics who are disposed to change their religion, to prefer the Sectaries.

It appears, that the English Baptists have a Society for promoting the Gospel in Ireland;—that they have itinerant preachers; readers and expounders of the Irish scriptures; evening schools; sabbath schools and day schools;—and that they are preparing others on the circulating plan, so successful in Scotland, for teaching Irish. Their Reports are crowded with accounts of Catholics declaring, that 'they will read the Scriptures in spite of Pope, Bishop, or Priest;' and many are mentioned as having 'altogether renounced Popery, and de-

'termined never to go inside the door of a chapel.' The Irish Evangelical Society is an association, still more formidable than that which has just been described. The parent Society is in London; and auxiliaries have been formed in Dublin, Cork, Belfast, Sligo, and Youghall. The Magazine of this Society is full of descriptions of the favourable reception which their Missionaries have met from the poorer Catholics in all parts of the country. In one of the late Numbers, the following summary is given of a Report read at a meeting of the Society in London.

'We partook of the surprise and pleasure which pervaded the room; for, until we heard the Report, we had not imagined that a society, so infantine and unassuming, had been able to accomplish so much, and to have so widely extended its exertions. It appears, indeed, as though God had prepared the population of Ireland for the reception of the Gospel. We learnt with satisfaction, that besides supporting and assisting ministers in nearly twenty counties, and in each of the four provinces, Mr Loader had under his care, in the Academical Institution founded in Dublin, eight students preparing to devote themselves to the works of the Christian ministry in Ireland.'

The Socinians also have been encouraged, by the present aspect of the Catholic religion in Ireland, to undertake the work of proselytism.

'The efforts of this sect,' Mr Phelaw says, 'are aided by all the machinery of a policy, at once the most profound and the least scrupulous. They have commenced in the south, and have numerous and zealous wellwishers in various other parts of the island.'

There is also the *Hibernian Society*, the centre of which is in London, and which has made a greater progress than any other in extending itself in the most Catholic counties. It has been actively employed since 1814 in establishing schools for the religious education of the children of the poor, more especially of those of Roman Catholic parents. The number of their scholars, in the month of May last, was 32,516, besides 1250 adults who are taught to read. New schools are about to be opened in various parts of the country, as fast as the funds of the Society are increased by additional subscriptions. The system is one of the greatest economy—as the Society build no houses, and make no payments, except at the rate of five pounds for every twenty scholars who are taught in compliance with their regulations, and who must pass a regular inspection. The Reports of this Society are full of instances of Catholics resisting their priests. In one of them, it is related 'that the people 'say, it is not now with them as formerly;' and that they are not 'afraid of the priest or bishop, and will not obey them in keep'ing their children from reading the Word of God.' The fol-

lowing extracts, from letters written by the Inspectors of the Society, will serve to show how great a change is already produced in the minds of the Catholic poor.

'The people hold the schools in great estimation. When they are forced, by public proclamation after mass, or when it is required of them privately at confession, to take away their children from the schools, they soon relapse, and send them again.' (p. 19.)—'Priest B.'s endeavours to keep the Scriptures out of the hands of the laity, have had as little effect as his opposition school. Applications are almost daily made to me for Bibles and Testaments by his parishioners.' (p. 37.)—'The more the priest forbids the parishioners' letting their children go to any of our schools, the more they see the necessity of sending them, contrary to his orders.'—'I understand that the people are not now much in dread of Priest B.'—'I heard many say, that they did not think much of his thunders and threatenings; that the noble and well-meaning people of England gave their children books and education gratis; and that they would receive them thankfully.' (p. 49.)—'The priest threatened vengeance against any of his parishioners that should send their children to the school; but the people, with one accord, refused to pay obedience to the priest in this matter, and continue their children at the school.' (p. 60.)

These few facts speak volumes as to the intellectual improvement of the Catholics; at the same time that they place beyond doubt their disposition to rebel against such of their clergy as still endeavour to keep them in ignorance,—whatever may be thought of them as evidence of their being generally on the eve of conversion. Besides these several Societies, which are of English origin, there is a very active and powerful one in Dublin, called the Sunday School Society, which is making great strides in extending education among the Catholic poor. The number of their scholars is stated, in their Report of this year, to be 59,888.

'There are other institutions,' Mr Phelaw says, 'of minor importance; but whichever of them we consider, the result is invariably the same; the people every where ready to throw off Popery, and the sectaries every where taking advantage of the opportunity. But,' adds our reverend author, 'it is not merely from a view of the more humble ranks that we are justified in anticipating the fall of Popery in Ireland. In whatever attitude we contemplate the Romanists, whether we consider the religious or political aspect of that body, the sentiments of the higher classes, or dispositions of the lower, the probabilities of this change will appear equally striking. With respect to those who are of most importance for wealth, and influence, and education, the continuance of the name of Popery is to be ascribed to causes altogether distinct from religious considerations. The party leaders avail themselves of the prevalent superstition, and urge it to the utmost extremity their occasions require. They affect,

it is true, a profound reverence for the titular Hierarchy; but these professions are not entitled to much consideration. It is but justice, however, to say, that the attempt at deception is mutual, and mutually understood. The leaders, in reality, scoff at the bishops; and the bishops inwardly shrink from the leaders. These latter gentlemen have seduced their Right Reverend associates into measures which utterly overturn the foundations of Popery. The Pope's supremacy is now practically abjured by the Romish clergy, in the only sense in which the King's supremacy is admitted by the Established Church. They assemble in synods without his permission, and they reject his authority in determining the mode of ecclesiastical appointment. To complete the causes of misunderstanding, the bishops are aware that the temporal aggrandizement of the Romish clergy is no part of the system which the leaders are pursuing. They are well assured, that if the designs of these men were successful, even to the satisfaction of the most imaginative amongst them, Popery would never be erected into the Established religion in Ireland.'

He then goes on to show that the Catholic country gentlemen 'are satiated with the absurdities of their religion;' that the more opulent inhabitants of the towns are rapidly losing the religion they had, and acquiring no other in its place; 'that 'the influence of the priests is notoriously on the decline 'amongst the lower orders; and that there occur, frequently 'and without remark, instances of sturdy opposition to their 'will, which, but a few years ago, would have been regarded by 'the whole parish as most awful indications of an abandoned 'castaway.'

It is curious to see in what opposite ways a subject is sometimes treated by persons professing the same general principles, and having the same objects in view. In England, the great theme of the High-Church party is, that the Catholic leaders are a parcel of fanatics, ready to sacrifice everything to the will of their bishops; that the bishops are governed in all things by the Pope; and that the body at large will never be satisfied until the temporal authority of their clergy is secured, and the Catholic religion erected into the Established religion of Ireland. In Ireland, however, all these things are flatly denied by a vehement High-Church man,—as zealous for Protestant ascendancy as any of his fellows on this side of the water,—and only differing from them in this—that his opinion is founded upon actual observation and personal experience, while theirs rests entirely on certain ancient documents, showing how Catholics thought and felt in former ages. The result of all our inquiries has accordingly been conformable to Mr Phelaw's allegations;—and the sum of the matter seems to be, on the one hand, that the Irish Catholics, both clergy and laity, are every day becoming more

reasonable, and more desirous of improvement; and, on the other, that the influence of the bigotted part of their priests, and of superstition in general, is every day diminishing. They are less blindly attached to their religion; and their religion itself is more worthy of their attachment. All this, indeed, is no more than was to have been expected from the recent history of the country. The removal of the restrictions on the trade of Ireland in 1776; the reformation of her constitution in 1782; the repeal of those laws which were made, and made successfully, to keep the Catholics in poverty and in ignorance; the progress of discussion at public meetings, and by the public press, together with the extension of education, have all had a wonderful influence in enlarging the conceptions of a people peculiarly gifted with intellect, and every day advancing, from a state of pure barbarism, into one of comparative enjoyment and civilization.

Obvious as these things are, we are persuaded that the only conscientious opposition that is still made to the Catholic claims, is founded on ignorance, or inattention to them; and proceeds from men who take their notions of Popery from such books as Fox's Lives of the Martyrs, rather than through the actual existing principles, and the daily conduct of the Catholics themselves. In point of fact, the true state of the case as to the Catholic religion, is this, that while the name and externals are retained, which serve to waken up a traditional repugnance against it, it has been gradually purified, in most of its essential doctrines, to a near accordance with the standards of a reformed faith:—And the knowledge of this fact has already made the great majority of Irish Protestants favourable to emancipation. The divisions in Parliament of the Irish members, have, on the late discussions, been in the proportion of three to one in favour of the measure. The opinion of the country gentlemen is still more favourable; and the only virulent opposition that remains, is now confined to some Orange Lodges in the North, and to a remnant, of no consequence certainly either for numbers or talents, of the ridiculous party in the Dublin Corporation, who still delight in exposing their vulgar ignorance, by toasting King William as the champion of Slavery and Intolerance!

With this natural extinction of all reasonable opposition in Ireland, every circumstance in the actual position of the country seems to concur, in recommending the immediate abolition of those unjust restrictions under which our Catholic population have so long suffered and complained. Those who urged the war as a reason for postponing Emancipation, must allow the present settled state of peace to be peculiarly fit for that great work of amity.

The recent behaviour of the Catholics may be urged as another reason. There have been no violent speeches, or angry resolutions, since 1813; no meetings of Catholic Boards; no menacing petitions; no proceeding of any kind which could offend the most sensitive loyalty. The Catholics very properly abstained from urging their claims in the last session of Parliament, in order not to embarrass their friends with any inconvenience on their account, when they should seek to be reelected. Throughout the numerous contested elections which took place in Ireland, nothing could be more exemplary than the conduct of the Catholic freeholders: And if a wholesome and discreet exercise of one great constitutional franchise, can strengthen their claim to be entrusted with another, their recent conduct entitles them to this advantage in the highest and most emphatic degree. But the circumstance that augurs most conclusively for their success in the approaching session, is the temper in which the late elections were universally conducted. From the total absence of the No-Popery cry, and the returns of persons, in so many instances, of liberal principles, in preference to men avowedly devoted to exclusion, there is just reason to conclude, that a majority of the new House of Commons will be in favour of the Catholics. The appointment of Mr Robinson to the Cabinet, and of Mr Grant to the Chief Secretaryship of Ireland, are occurrences which justify the same expectations.

Many of those who are loudest in their expressions of horror at the Catholic religion, are apparently ignorant of the close resemblance which it bears to that of the Church of England; for, though the Established Church has renounced the errors of Popery, it has departed much less from the Church of Rome than any other Protestant communion. We, as well as the Catholics, belong to an Athanasian, Episcopal Church; we, too, boast of an uninterrupted apostolical succession; we condemn heresy and schism as in themselves offences; and we recognise the first four Councils as explanatory of the essential articles of belief. 'A great part of the Roman faith,' says Archbishop Tillotson, 'is the same with ours,—as, namely, the articles of the Apostles' Creed, as explained by the first four General Councils; and these make up our whole faith, so far as concerns matters of mere and simple belief, that are of absolute necessity to salvation...... And thus far our faith, and theirs, of the Romish Church, are undoubtedly of equal authority, that is, as ancient as Christianity itself..... And as for the negative articles of the Protestant religion, in opposition to the errors and corruptions of the Romish faith, these are by accident become

a part of our faith and religion, occasioned by their errors.—When the additions which the Church of Rome hath made to the ancient Christian faith, and their innovations in practice are pared off, that which remains of their religion is ours.' *Sermon* 27. With such a concordance, then, between the two religions in essential points, it is rather too much to proscribe one of them, as so hostile to the other, as to be a sufficient cause for debarring all those who profess it, from the most valuable of those privileges, to which all British subjects are by their birthright entitled. There are many other countries the inhabitants of which are divided in their religious creeds, as they are in Ireland; but in none of these is this made a ground of civil disqualification. Is the Government of England less stable, or her rulers less enlightened, than those of these other nations? It is but the other day, we observe, that the King of Prussia has founded a new university at Bonn, where the Catholics are placed on an equal footing in every respect with the Protestants; and a long code of regulations enacted, to protect them from every species of molestation on account of their religion. What will Oxford, and Cambridge, and Dublin say to this?

The newest, however, and most fashionable charge against the Catholics is, that they are hostile to the progress of Education; and they are accused not only of hindering others from teaching their poor, but of studiously neglecting this duty themselves. Fifty years ago there might have been some ground for this imputation; but it is utterly groundless at present; and we are happy to have it in our power to lay before our readers the most ample and conclusive proofs of its falsehood.

Most of them, indeed, may recollect, that an advertisement appeared repeatedly in all the London papers, in the course of last year, soliciting subscriptions for a new Institution for the Education of the Irish Poor of all Persuasions; to which were subjoined, the signed recommendations of three of the Catholic Archbishops of that kingdom, and of the Earl of Fingal; and we are enabled to say, on the authority of a gentleman who lately visited the school in Dublin, that no similar institution is conducted in a better manner. The same gentleman conversed with a titular Archbishop concerning this plan of Catholic education, and learnt from him, that the only impediment in the way of establishing similar schools, in all parts of Ireland, was the difficulty of obtaining money to provide school-houses. Teachers of the best description were to be had in sufficient numbers, without any expense, from an association of young men, of independent means, who devoted themselves to public teaching.

The following extracts, however, from the 11th Report of the Hibernian Society for 1817, throw an invaluable light upon this interesting subject. They are taken from Letters written by or to the Inspectors of the Society, on the spot; and as they contain a good deal of valuable information, in the most authentic shape, we shall make no apology for giving them in some abundance. At page 9, we read,

'In the parish of A——, the Catholic rector favoured the school, while the curate opposed it: the latter denounced the school from the altar, and prohibited the parents from sending their children thither for instruction. The rector was absent when this took place: But having been informed of all that occurred, he took an early opportunity from the altar of speaking very highly of the Society; he recommended it as the greatest blessing to the poor; exhorted his people not to lose the opportunity offered for the education of their children; and observed, that he had examined the books used in the school, and had found they were not only free from error, but were the best he had ever met with.'—P. 35. Letter from the Rev. T. C. parish priest, October 19, 1816. 'You highly honour me by inserting my name as one of the visitors to the schools of the Hibernian Society. I shall do all in my power to promote the education of youth in its vicinity, in concert with that laudable Institution.'—P. 36. Letter from the Rev. J—— F——, parish priest, March 17, 1817. 'I have ever felt anxious for the instruction of the poor of every description, but especially of those of my own communion, whenever that object could be obtained, without compromising their faith; and as I could discover no tendency in your schools in the parish of C—— contrary to either faith or morals, if I did not give them my public sanction, at least I gave them no opposition. I did, and still do propose to visit them occasionally.'—Letter from an Inspector. 'Priest M'G. who had been our inveterate enemy, forbidding his parishioners to send their children to our schools, is now our cordial friend, and has made application for a free school to be established in his chapel. Priest M'N. also, who formerly persecuted the schools, now favours them. In an adjoining parish, Priest B—— assured the people, that the institution of the schools was the best thing that had ever been done for Ireland for the benefit of the poor. He also recommended the reading of the Scriptures. By these means the prejudices of the people have been considerably removed, and the schools are now crowded with pupils.'—P. 38. 'Their priest M'G— favours the institution, and orders them to send their children to the schools.' —P. 40. 'The priest behaved friendly, and said he wished much for the prosperity of the schools.'—'After the priest left us, D—— told me, that had it not been for his kind offices, he should not have been able to establish a school there.'—P. 41. 'The Priest G—— prayed sincerely for the prosperity of the schools, though he confessed that in the beginning he was a great enemy to them.'

We shall make no apology for adding some further extracts from the 12th Report of the Hibernian Society for 1818; because we are quite sure that no information can be more really useful and interesting, than these plain statements of what is actually going on amongst the Catholic Clergy and their flocks, concerning education.

P. 27. 'I know not whether I have mentioned the establishment of a very extensive school in the parish chapel belonging to Priest O—l, the first enemy the schools had to contend with. Around the altar, from which so many anathemas were hurled against the Scriptures and all who should read them, are now assembled in peace the children of his then terrified and appalled hearers.'—P. 41. 'The priests have been consulted, and cheerfully allow the children under their inspection to use the Testament, and commit it to memory.'—P. 43. Letter from the Rev. R., H. parish priest, July 17, 1817. 'Would to God that all Christians, of whatever denomination, would zealously unite to rescue the poor from ignorance, and diffuse amongst them the light of the Gospel! I understand that some clergymen of my persuasion do not approve of the method offered by the Society for the instruction of the poor Irish, under the apprehension, I suppose, of their gaining proselytes to the Protestant religion. I entertain no suspicion of that tendency, but judge very favourably of their laudable design: and, consequently, shall always feel happy in contributing my mite towards the edification of my poor parishioners.'—P. 44. Letter from the Rev. P. I. parish priest, October 20, 1817. 'I should consider myself guilty of a sin of the blackest die, was I not to inform you of every iota which could have the least tendency to injure so laudable an institution.'—P. 45. 'Priest M'N. who had been a great enemy to our schools, made application, a few days ago, for one to be established in his parish.'—P. 57. 'The priests, who were our greatest enemies in this country, are at present recommending what they formerly prohibited.'—P. 62. 'On Good Friday last, a conference was held in the town of G——, at which 53 priests were present, as also the Bishop. The different priests who did not like the institution, requested the Bishop to give orders to suppress our schools. Priest H—— opposed their proceedings, quoting from Scripture the inconsistency of such as would resist the truth, or prevent the education of the poor who were in ignorance; which had such an effect on the Bishop, that he said, "You may do what you please in your different parishes about this matter; but for me, I heartily coincide with Mr H——."'—P. 72. 'My school goes on well; and although the Catholic priest has a free school in opposition to me, several Catholic children have come to my school from it.'—P. 36. 'Priest B., a man who, for avowed hostility to the schools, cannot be exceeded, set up a free school here.'—P. 41. 'A priest newly come from M——, is using all his might to put down Mr G——'s school; and, for this purpose, is taking the people to keep a school in C——.'

We need not proceed, we believe, with these citations. It is impossible, after reading what we have already transcribed, to doubt either that a great proportion of the priests now approve of the poorer Catholics sending their children to free schools; or that those who continue to interdict that practice, have been stimulated to the erection of other schools for their instruction.

Of all the miserable effects produced by the present system of Catholic oppression, none is more conspicuously mischievous, than the fatal obstruction it creates to the due administration of the laws, for the preservation of the public peace. The lawless habits of the people, in the ordinary and best state of the interior, and all the occasional disturbances of a more serious character, are to be traced to the system of law which has divided the inhabitants of Ireland into a Protestant Ogliarchy, administering in detail the government of the country over a Catholic multitude:—the one armed with all sorts of arbitrary powers; the other excluded from the Constitution, and subjected to every species of penalties. Of the actual state of an Irish county, the following may be taken as a pretty correct representation—A population of 100,000 souls inhabiting about 250,000 acres; the whole divided into large estates by grants, not very ancient, of the old Catholic lands, from the Crown to the Protestant followers of English armies; nearly all the proprietors of those which exceed 4000*l.* a year, absentees; the other proprietors, few in number, with the richer class of Protestant tenants, having their incomes from leases for lives renewable for ever, forming the resident Magistracy; the actual occupiers of the soil a multitude of small Catholic farmers, holding each from four to 100 acres of land; and a crowd of Catholic peasantry, all of whom also hold land, and live in cabins scattered over the face of the country. As the poorer Catholics have never known the law but as an enemy, they regard it with a natural hostility; and there exists, throughout all Ireland, an indigenous combination to evade, to violate, and to resist it. The most flagrant outrages occur in every part of the country, and are allowed to pass unpunished, from the difficulty of obtaining information, of making arrests, and of procuring evidence. Trees are cut down and carried away, of such size as to require many men and horses to perform the work; yet no one can be got to name the parties. Cattle are stolen and driven through a populous country; potatoes are dug and carried off in the night; hay stacks robbed; lands grazed; cows milked in the fields, and every species of small theft committed;—concerning all of which deeds, and their perpetrators, the whole Catholic population know every thing, and the Protestant magistrates and suf-

ferers can learn nothing. It has frequently happened, during the late bad years, that when a tenant has expected to be distrained for his rent, he has collected his neighbours, and carried off the whole produce of his farm in the course of a night, and divided the custody of it in such a manner as to deprive the landlord of his remedy, and yet have it faithfully preserved for his own advantage. It is a sort of standing rule among the country people, to do every species of injury to those who interfere with the old occupier of a farm when it is out of lease, or possession of it recovered by ejectment—though he may have robbed his landlord, and be the most worthless character in every other respect; and all this without any one running much risk of being brought to punishment. It is almost useless to attempt to recover rent by distraining cattle, because, in 99 cases out of 100, a rescue is sure to be effected; and this not always by the party interested, but by the voluntary interposition of the lower orders to afford protection against the laws. Warrants can rarely be executed without great danger to the officers, who are continually obliged to have a military force with them to take possession of the smallest tenements. Whenever a Magistrate endeavours to enforce the laws, and succeeds in bringing offenders to justice, he becomes exposed to every species of revengeful retaliation; his property is injured, and his life is often sacrificed to a conscientious discharge of his duty. Witnesses, whenever their evidence goes to the taking away of the life of an offender, can rarely escape death themselves, except by quitting their own country. In short, the people, by their universal combination against the administration of the laws, and their general system of intimidation, have virtually banished all law, and left society to work its way in a manner unprecedented in any civilized community. The influence of the Priest is often sufficient to maintain some degree of order; but that which regulates, for the most part, the conduct of one man towards another, is a sort of compromise or truce, which takes place between the higher and lower orders. The former, in a manner, bribes the latter to abstain from injuring him by many little acts of kindness, and more of forgiveness for small offences; while the latter, on the whole, finds it his advantage to keep tolerably well with them who have power to destroy him. Neither confidence in the power of laws, on one side, nor apprehension of punishment, on the other, enters much into the considerations which govern the conduct of these two great parties.

These things, utterly without precedent in the history of any other nation in the same state of society, must have causes; and

the successive and signal failure of all ordinary remedies has shown, that the causes are deep-seated, and mixed up with the very structure and constitution of the society. In vain have the hands of Government been strengthened, and the terrors of its power let loose, in every form of civil proscription and military execution. The evil of an alienated population is not to be so overmastered. They cannot love a constitution from which they are excluded; nor venerate a law which withholds from them the rights which it secures to the more favoured part of the population, by whom it is made and administered. All other experiments have been tried—not merely in vain—but with results on which it is frightful and pitiful to look.—Let us at last try the experiment of admitting all classes of the people to the benefit of the Constitution—and reconciling them to the law, by giving them an interest in the regular, and even strict administration of public justice.

We have no room now to argue any part of this question. But there is one view of the consequences of withholding their rights from the people of Ireland, that has been too little noticed. Since the Union, and the consolidation of the Treasuries of England and Ireland, the former country must pay the interest of any new debt contracted by the latter; the whole Irish revenue falling very far short of the actual charge for its local expenditure. The debt of Ireland, in 1795, was 4,441,303*l.*; on the 5th January 1817, it was 148,524,667*l.*—This great increase in twenty-two years was occasioned by the large army which was maintained in Ireland, amounting commonly to 50,000 or 60,000 men, besides the yeomanry. In the year 1795, being the third year of the war, the whole expense of the army was 1,300,000*l.* Since that period it has, on an average, been upwards of four millions a year. Now if, in 1795, Lord Fitzwilliam had not been recalled, and if he had been permitted to repeal all the Catholic penal laws, there plainly would have been no occasion for maintaining a larger army in Ireland than that which was sufficient for the year 1795.

The concession of Emancipation would have removed all grounds of rebellion, and all danger from invasion, in the same way that the refusal to make that concession promoted the rebellion that afterwards happened, and encouraged the enemy to make, or to menace an invasion; and a very small army, supported by the people, would have made Ireland a much safer possession to England than she was during any period of the war, though covered with troops. The difference, therefore, between the sum which was sufficient to pay the army in 1795, and the actual sum which was expended, forms

that part of the debt which need not have been borrowed, and amounts, at three millions a year for 22 years, to 66 millions; the interest of which, the people of England now pay from their own pockets, in consequence of the opposition which has been successfully made to Catholic Emancipation!

In all former times of peace, the establishment for Ireland has been 8000 men. The number voted last year was 22,000. Besides the expense of maintaining this extra number of 14,000 men, there is also the expense of police establishments, prosecutions, and a variety of other charges, which grow out of the system of governing the people on the principle of exclusion from their civil rights. In the last year's public accounts, there is a charge of 38,952*l.* for police establishments in proclaimed districts; and another for 12,000*l.* secret service, in detecting treasonable conspiracies. How long is Ireland to be governed in this way! and the money of the people of England to be sacrificed in propping up this vicious and disgraceful policy!

We cannot now afford to go further into these or any other speculations on this great question—Nor, indeed, is it necessary. It has been for some time settled, we think, in argument; and the scruples of those who still appear to doubt of the expediency of adopting in practice what has been demonstrated in reasoning, are not of a nature to be obviated by any suggestions of ours. The *facts* we have brought under their view may do something;—and the public conduct and declarations of those whose authority they generally follow, may do more. For our own parts, we feel convinced, not only that the victory is assured, but that it is near at hand:—and in taking our leave—we trust *for the last time*—of the most important question of domestic policy with which we have ever presumed to meddle, we have only to express our hopes, that no paltry jealousies or invidious exceptions will be allowed, under the name of securities, to interfere with the benefits, or to tarnish the splendour of that great act of wisdom and justice which is now expected from the Legislature of Britain and Ireland.

[Although Mr O'Meara has already published a correction of the error which is noticed in the following Letter, we think it our duty to print Dr Fergusson's own statement, in compliance with his request.]

SIR, *No. 42, N. Hanover Street,*
November 14th, 1818.

FEELING assured of your readiness, at all times, to correct any mistatement that may have unintentionally appeared in the Edinburgh Review, I can make no doubt you will be happy, in the opportunity of your next Number, to explain one that concerns myself. In the Number for November last, I am represented as the channel through which the correspondence from St Helena, relative to the State Prisoner there, has been given to the public.——This has been done in very handsome terms, I acknowledge; but as it has been done in error, it ought to be set to rights: For though the Correspondence of Mr O'Meara be addressed to William Fergusson, Esquire, it must have been meant for some other person of the same name, as I never have had the honour of being acquainted in any manner with Mr O'Meara, nor held communication with him on any subject whatever.

I have the honour to be,

SIR,

Your most obedient humble servant,

WM. FERGUSSON,
Inspector of Army Hospitals.

To the Editor of the Edinburgh Review.

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THE

EDINBURGH REVIEW,

MARCH, 1819.

No LXII.

ART. I. 1. *Vita apologetica della Santa Memoria del Sommo Pontefice Pio VI, Pellegrino Appostolico.* Soleta, 1818. 4to.
2. *Mémoires du Pontificat de Pie VI, pour servir à l'Histoire du Gouvernement Ecclésiastique, pendant les premières années de la Révolution.* Lion, 1817.

THE life of Pius VI. is the most interesting which the history of the Popes has afforded in modern times: But we cannot say much for either of the publications into which it is here digested. The Italian biographer we take to be a subject of Austria,—from the great caution he has used to conceal his name, and to publish his apology beyond the limits of its territory:—for that government, since the restoration of its Italian dominions, has been as jealous of the Popes, and of the liberty of the press, as Napoleon himself. In substance, the work is rather more of a panegyric than an apology. The author wishes to represent his hero as a saint: and accordingly dwells chiefly on his later years, and the afflictions and humiliations which darkened his closing scene. In spite of this pathetic contrivance, however, cunning readers will probably conclude, that there must have been great faults in a reign, the details of which an apologist finds it thus advisable to suppress.

The French work is little more than a new and castigated edition of the *Mémoires Secretes de la Vie de Pie VI.*, published at Paris in 1798, for the laudable purpose of exposing the corruptions, and recommending the subversion of the Papal government. It was reprinted, with some slight alterations, and probably with the same views, in 1807; but now that this object has been abandoned, the changes are much more considerable, and the work has assumed a more literary and less ambi-

tious character; most of the calumnies against the Pope, and all the indecent jokes on the rites of his religion are retrenched, and their places filled with some tolerably free stories of gay ladies and amorous ecclesiastics; which will probably answer nearly as well in promoting the sale of the work, but assuredly will neither add to the dignity, the morality, or the authentic materials of History.

We shall not attempt, therefore, to give any abstract of either of the publications before us; but shall endeavour, from other and more authentic sources of information, to which we happen to have access, to lay before our readers a short summary of the long life of Pius VI., and to determine in what degree the policy which he pursued can be held to have contributed to these great and disastrous events which signalized the later years of his Pontificate.

Angiolo Braschi, born about 1720, was the last male representative of a noble family in Cesena, the ruin of whose fortunes drove him in early youth from the place of his nativity,—which he never revisited till after his elevation to the Popedom. He followed the profession of the law for some years in Rome, with no very brilliant success, but with more reputation for subtlety than eloquence. He was at last created a Prelate by the Cardinal Rezzonico, nephew of the reigning Pope Clement XIII.,—a barren and nominal dignity, and chiefly of value as designating those who are intended for more substantial preferment. The Pope had a taste for magnificence, and his nephews a strong desire to make their fortunes. Braschi was first employed as an architect—and afterwards made Grand Treasurer to the Church. He had some skill in architecture, but none in finance; and put himself into the hands of certain great bankers—a class of persons who never fail to prosper when a state is in want of money. On the accession of Clement XIV. (Ganganelli), the treasurer was suddenly called to account; and though he contrived, by the help of Giovanetti, to disguise his mismanagement under a formidable array of ciphers and calculations, he was immediately dismissed with more than usual harshness. The new Pope, however, could not help making him a Cardinal; this being a reward, it seems, to which all who have served in the office of Treasurer are legally entitled. Fortunately for corruption and incapacity, it is a settled maxim at Rome, that to impeach any of the high functionaries of that government, would be to impeach the *infallibility* which is known to belong to its great head, and would consequently throw discredit on the inspired wisdom of all the successors of St Peter. Ganganelli showed his displeasure, however, by awarding a very scanty pension to the new Cardinal,

whose poverty was only made more conspicuous by the dignity of his rank, and whose actual insignificance was only cheered by dreams of his future greatness. The ex-treasurer was capable of gratitude, and was fortunate enough to inspire it. A person of the name of Gnudi, had acquired great wealth under his patronage, and now ministered to his necessities; a liberality, of which he never ceased to reap the fruits during the long pontificate of his now necessitous master.

In modern as well as in antient Rome, the affectation of imbecility is often the mask of the most determined ambition; and Braschi, in that mother-land of intrigue, appears to have acted on the model of the elder Brutus. Without counterfeiting absolute incapacity, he held out the appearance of the most contented and unpretending mediocrity. He passed his time with persons of irreproachable morals and inferior talents; and, without affecting any austerity or zeal for religion, displayed in all his conduct a quiet submission to its authority. He neither sought to distinguish himself by a passion for literature like Lambertini, nor for the arts like Rezzonico, nor for the liberality of his philosophical opinions like Ganganelli. His poverty, and the simplicity of his life, disarmed all suspicions of his ambitious designs; and while his friends predicted nothing for him but a life of quiet insignificance, his more aspiring brethren either overlooked him in silent contempt, or reckoned upon him as a safe and pliant auxiliary in their own struggles for distinction. The death of Ganganelli in 1775, and the proceedings of that Conclave which raised him to the Popedom, *contrary to the wishes and intentions of most of its members*, at once disclosed the objects and the fruits of this long dissimulation.

We do not presume to explain the whole mechanism of that complicated and mysterious process by which Cardinals hatch a new Pope,—as the hive, upon the demise of their sovereign, hatch a new queen bee. But some particulars, not altogether uninteresting, may be mentioned. The number of Cardinals is generally about seventy—seldom more than two or three under or over. Of these the greater part are altogether insignificant and passive, and mere tools in the hands of a few active leaders. These efficient persons again are generally divided, when a Conclave is held, into two regular factions or parties; the one consisting of those who had held office in the time of the last Pope,—the other of those who had been raised into consequence by his immediate predecessor; for as Popes are generally elected in advanced life, their partisans survive them for a long time, and

acquire, by experience and management, an influence quite equal to that which belongs to the recent possessors of authority. A third interest in conclaves, and often the most considerable of any, is that of the Foreign Cardinals, who represent the political views of the Catholic States to which they respectively belong. Since the middle of the 16th century, when the overbearing supremacy of the Holy See first began to be questioned, the Catholic powers have commonly insisted on the papal election being made, on the principle of the balance of power,—and France, Spain and Portugal have always claimed, and exercised, the power of interposing with an absolute *veto* against any individual nomination. It is enough to exclude any candidate, that the representative of any of these powers shall announce, *Il mio Re non lo vuole*. Austria substantially enjoys the same right, though it is not formally recognised. Since the time of Adrian VI., who was obtruded by Charles V., all the Popes have been Italians. The Cardinals, who are all settled in that country, are resolute not to give themselves a foreign master;—and the States that must otherwise contend for the preference, are generally content with the compromise. The only other general principle seems to be, that the choice shall fall on one with talent enough to save the office from degradation and abuse,—but not of that commanding genius that would defy control, or disdain assistance.—Constitutionally, the Pope is a very absolute sovereign; but, in practice, he is generally but the head of an Oligarchy.

In 1775, the great question in the Catholic Church was the restoration or continued suppression of the Jesuits. That extraordinary body had no doubt become formidable to the Holy See itself;—but, on the whole, it was the decided wish, as well as the manifest interest of the Church, to restore them. They had been by far the most powerful champions of the Catholic faith, and had done the most to restore it to its antient influence and splendour;—while no small part of the great wealth which they collected in the cities of Europe, and their great establishments in Asia and America, found its way to Rome, and helped to maintain the pomp of the Vatican, as well as to gratify the cupidity of the more powerful Cardinals. On the other hand, all the temporal princes of Europe insisted on their suppression; and Ganganelli, probably recollecting the example of our Henry VIII., had thought it prudent to comply.—He was now no more;—and it was the great object of the Catholic sovereigns to prevent him from being succeeded by one of greater enterprise and resolution;—while all those who shared in the devoted and insatiable ambition of the priesthood, were

anxious above all things for the restoration of this dominant order. It was by availing himself of the eagerness of these two parties, and being false to them both, that Braschi became Pius VI.

The Cardinal Rezzonico, his first patron, was the great advocate of the Jesuits;—and knowing the secret ambition and boldness of Braschi's character, privately proposed to use his great influence in raising him to the Pontificate, provided he would rescind the act of their suppression. The proposition was accepted; and their manœuvres were begun with all those refinements of duplicity which have so long distinguished the policy of Italian intriguers. The night before the Conclave was assembled, Braschi, by the advice of his patron, went secretly to the ambassadors of all the Catholic sovereigns then in Rome; and after frightening them with stories of Rezzonico's zeal for the Jesuits, which was sufficiently well known, and of the efforts he would make to get himself elected, assured them, that if they would give their aid and influence to himself, he would undertake for ever to defeat the schemes of Rezzonico and all his adherents. Their Excellencies knew too little of the real character of their visitor, to think this the most feasible way to effect the object in view: but had no hesitation in promising, that their *veto* and their influence should be employed in support of that party which was most able and willing to keep down the obnoxious order.

After the Conclave is once assembled, its members can hold no avowed communication with the external world, till the great work of election is concluded;—nor is it easy to learn with precision what takes place during their long seclusion. It is known, however, that as the concurrence of a certain number is indispensably necessary, and all the suffrages are given in sealed writings, it is usual for the opposite parties mutually to try their strength, and to mask their own designs, or penetrate those of their opponents, by a long series of tentative or preparatory elections, in which the pretended favourites are always so multiplied, as that none shall have any chance of uniting the requisite number of voters, while, at the same time, something may be learned or concealed by the different combinations which are exhibited in their results. These, which take place every morning, are denominated, *pro forma*, elections; and the votes given in them are said to be *in honorem*. Braschi, as an insignificant and unlikely person, at first received many of these contemptuous compliments. At last, Rezzonico began to raise him to importance, by pretending to reveal to his own party the secret of his nocturnal visit and alarming engagements

to the foreign ministers; and hinted, at the same time, that the only safe way to counteract him would be, to raise him, Rezzonico himself, to the envied dignity. The foreign Cardinals, seeing this strong verification of Braschi's private communication, and considering that he alone had pledged himself to keep down the Jesuits, immediately offered him all their support to avert the impending danger; while Rezzonico was no sooner apprized of their accession, than he contrived, late at night, and after all danger of communication was over, to slip into the hands of his own partisans a circular, in which he informed them, 'that the ingratitude and perfidy of Braschi had disgusted even his corruptors, who were aware that they could never carry through the election of a man so abandoned; but that they had fixed upon another deserter from their party, whom he could not then venture to name, but on whom all their votes would be bestowed the morning following. To counteract this new plot, it was therefore necessary that they should act with caution; and as Braschi would be abandoned by his new friends on the morrow, and would probably have no votes whatever, the safest course, in the mean time, would be for them all to give their suffrages to him.' The votes were accordingly given; and both parties, acting under this double delusion, were equally astonished, when, upon opening the seals, it appeared that Braschi had obtained his election. It is a worthy sequel to this edifying story, that he proved false to his friend Rezzonico, as well as to all the rest—and never took a single step towards the restoration of the beloved Jesuits.

As soon as the prize was within his reach, and indeed almost before, the mask of the decent Cardinal was dropped, and the bold and ambitious character of the Pope was disclosed. The night before his election, he occupied himself in writing two long letters, of the most beautiful penmanship;—one addressed to his sister, instructing her what presents the family should make to the new Pope; the other to the Corporation of his native town of Cesena, giving the most minute directions for the *fêtes* they were to give on the elevation of their townsman—and even prescribing the colour and the pattern of the dresses in which certain poor children, who were to be endowed on the occasion, should appear in the procession. It may easily be imagined how a spirit like his would enjoy the rage and surprise of the competitors who came to kneel to the new dignity they had thus unwittingly created,—and whom he never condescended to raise from the painful prostration to which they had sunk themselves. From the first hour of his elevation, he assumed the tone of an absolute prince; and ruled more inde-

pendently of his Cardinals than any other Pope on record. At his coronation, they presented, according to custom, a heap of flax on a plate of silver, and, burning it before him, exclaimed, *Sic transit gloria mundi!* A smile of contempt was all his comment on the lesson. When asked on what footing he wished his household to be established; instead of replying with the affected humility of his predecessors, he answered at once, 'On the footing of a Sovereign.' Since the disgraceful reign of Alexander VI. and the oppressive one of Adrian VI., no Pope had ventured to take a name to which the number *six* must attach. The well-known lines—

Sextus Tarquinius, Sextus Nero, Sextus et iste,
Semper sub Sextis, perdita Roma fuit—

deterred those who lived by superstition from so defying its terrors. But the new Pope despised all augury: and boldly took the appellation of Pius the *Sixth*—a boldness, of which it is amusing to learn, that he bitterly repented in the days of his disasters and decline. In the mean time, however, he was so little under the influence of those fears, that he scandalized the whole Catholic world by ascending the papal chair bareheaded, and with his hair gloriously powdered. The Popes, our readers must know, never wear wigs;—but then there was a certain sanctified cap or bonnet, called the *Papalina*, which formed an indispensable part of their *costume*. Braschi had worn a wig while Cardinal, under which he had cunningly nourished his hair for this grand exhibition;—and now appeared, without *Papalina* or any thing else, in the full frizz of a beau of Louis XV.'s court. His Holiness indeed, then in his fifty-sixth year, was at all times a great admirer of his own beauty, and very fond of displaying it to advantage. His toilette, of course, was copied by all the gay Ecclesiastics; and the antient canons, which regulated the priestly vestments, fell into alarming neglect.

Those were follies, no doubt—and not the follies of a lofty nature. But it is not true that they were united in this instance with the vices that often attend them. Pius VI. was a coxcomb in his dress, but he was not profligate or licentious in his habits—nor is there any justice in ascribing to his supposed lenity towards vice, that general relaxation of private morality, of which the age in which he lived may so justly be accused. The truth is, that luxury, and the corruptions to which it gives birth, had by this time attained such a head in all the civilized parts of Europe, that to have affected to treat every case with rigour, would only have increased the scandal, without diminishing the

sin. The destruction of liberty, and the increase of commerce, had cooperated to produce this evil:—the former, by depriving the wealthy and noble of any other occupation or pursuit but that of pleasure; and the latter, by supplying, in increased abundance, the means of these gratifications. The evil, however, will ultimately work its own cure; and has already begun it—though in the roughest and most disastrous manner. The idleness and corruption of the great, thus deprived of all worthy political functions, make them at once despicable and odious in the eyes of the people; and they seek to punish and degrade them by sanguinary insurrections and insane projects of reform. The profligacy of the Regency, and the reign of Louis XV., was the true efficient cause of the French Revolution; and Pius VI., by preventing the disclosure of similar iniquities among the Roman dignitaries, must be considered as having retarded, rather than accelerated, a similar catastrophe in Italy. It may be right, however, to explain upon what these imputations were founded.

There have long been at Rome two magistrates called the *Vicario* and the *Viceregente*, who exercise the office of censors, and have power to call before them all individuals of either sex whose conduct gives occasion to scandal. In a country governed by men who are not allowed to marry, it is easy to conceive that such officers must have something to do—and Pius judged rightly that the public discussion of such matters must do more harm than good to society. He knew also, that the powers of these censors were often shamefully abused. He felt, in short, that the institution was no longer suitable to the age—and certainly did what he could to abate the activity both of this tribunal and of the Inquisition. The zealots and the purists abused him for this laxity:— But he might have answered with Solon, that he gave his people such laws as they could bear,—and that Utopian principles would be worse than inoperative *in fæce Romuli*. It cannot, however, be denied that he had rather more taste for luxury and secular elegance than suited with the character of a churchman—and that he amused himself rather too much with these scandalous chronicles, of which he was never the hero. He pretended indeed to make this gossip, which was his great delight, an engine of policy. The ladies of Rome had not only all the secular nobility publicly at their feet, as was fitting, but ruled in secret not a few of the aged Cardinals and venerable Prelates—and Pius, by informing himself carefully of their intrigues, held them all more immediately under his dominion. To effect this, however, he was ob-

liged to delegate no small share of his patronage to those fair courtiers;—and benefices were accordingly bestowed, in his day, not on learning and talent, but on those who could best win or purchase the favour of the ladies in power.

In another matter, where he was infinitely less to blame, he gave still more offence to the bigots—and that was, in his endeavours to prevent the abuse of Sanctuary—under which the churches and the houses of ambassadors had become the common resort of assassins and all sorts of malefactors. The privilege itself he could not entirely abolish—but he instituted so vigilant a police, as very frequently to intercept it—and now and then struck at notorious offenders with 'a vigour beyond the law.'—The impunity which hired murderers continued to experience during his reign, is to be ascribed much more to the abuse of the diplomatic privilege, than to any neglect of the Sovereign.

Pius was a patron of genius; but preferred the fine arts to literature or science:—and he was neither a very learned nor a very impartial patron. His greatest weakness was in patronizing or tolerating the *Arcadians*.—The name is not very celebrated, we believe, in this country—yet all the curious are aware, that there has existed at Rome, for an hundred and fifty years, an academy or corporation of poets, under that fantastic appellation—and richly deserving all the ridicule with which it is pregnant. It was set on foot at a time when such affectations were more tolerated, and for a good enough purpose;—but for many years it had become a reproach and a nuisance, and had filled Italy with its shepherds and affiliated societies—into which any blockhead who could produce a sonnet and a sequin found easy admittance—obtained a *brevet* of poet, a pastoral name, and a grant of lands in some romantic district of the antient Arcadia. Even now, a stranger no sooner arrives in Rome, than he receives a visit from the Secretaries of this Academy, who offer him the Laurel and a copy of verses already prepared, which is to be recited in the name of the generous visiter. Now and then too, at their public meetings, they place the crown on the head of some traveller, who is vain and silly enough to play the hero in these farces: But those who submit to this coronation, are generally *improvisatori* by profession, who, to increase their consequence with their hearers, go to Rome to purchase this honour, as quacks in medicine purchase their degrees from some venal university. Hardly any author now condescends to make use of the titles which this Society bestows upon them: though some monks, who dabble a little in profanity, publish their verses

under their pastoral names—which in fact were first invented for the protection of certain ecclesiastical dignitaries, who suffered under the epidemic fever of versifying. When every one imagines himself a poet, there is an end of true poetry. But the first half of the eighteenth century was an epoch devoid of political interest in Italy; the generation of philosophers formed by Galileo was nearly extinct: The learned generally devoted themselves to the study of classical antiquities, literary criticism, and the history of the Middle Age,—while the Jesuits encouraged this mania of rhiming, which, without exalting the imagination, or exciting the passions of their pupils, flattered their vanity, and kept them from more dangerous studies.—As the Arcadians formed an army almost innumerable, writers of genius rarely ventured openly to attack them.—Pius VI. had no dislike to flattery; and he had a great admiration for the style of Metestasio, and the poets who had been celebrated in his youth:—Every one, of course, was eager to make his debut in the Arcadia; and, by making themselves known there, many obtained the situation of Secretaries to the Ministers and Cardinals.—The Revolution threw this famous Academy, with many better institutions, into the shade, from which it is now vainly endeavouring to emerge.—It is but just, however, to add, that the taste which results from the study of the antient languages, has always been preserved in Rome in all its vigour and purity; and the criticism of the antient poets has reached the highest perfection, from the constant recourse which must be had to the classical authors for illustrating the antiquities which are still daily discovered.

Rezzonico did much for the arts, by founding the Museum which was called Clementino;—and Pius added so much to its treasures that it has since gone by the name of Pio Clementino.—He encouraged all sorts of artists indeed, with the exception perhaps of architects,—looking upon *himself* as the only person of eminence in that department. Accordingly, with the assistance of an ordinary builder, he erected the palace which he bestowed on his nephews. The site is ill chosen; but Pius, who in every action of his life united an unbounded love of fame with an invincible repugnance to sacrifice immediate gratification, placed it in the Strada Papale, solely because it lay in his way to the Vatican, and he could have frequent opportunities of seeing it.—He also ventured on another work, which no artist since Bramanti and Michael Angiolo had had the courage to contemplate. A Sacristy was wanting to St Peter's;—but on the only spot on which it could be

erected, stood an antient temple of Venus, which Michael Angiolo had not dared to touch, and directed to be left entire. Pius threw it down, and raised the Sacristy in its place. It has altogether a bad effect, and harmonizes ill with the vast edifice to which it is attached. But it enabled his Holiness to spend a vast sum of money, and to place within its walls a colossal statue of himself, with this inscription—*Quod ad Templi Vaticani ornamenta Publica Vota flagitabant, Pius VI. Pont. Max. fecit perfecitque.*

The enormous sums he expended in these undertakings, showed but little regard to the comfort of his successor: and though elective sovereigns can hardly be expected to attend much to economy, there are very few even among the Popes who have carried this abuse so far as Pius VI. His predecessors had left the Church and State in extreme poverty. Clement VII., and his successor Paul III., (Medici & Farnesi, an. 1530–1540), were the last who enslaved provinces and free cities to place them under the sway of their bastards, from whom have sprung those princes who are now supported on the principle of legitimacy. After the establishment of the Reformation, Urban VIII. (Barberini, 1630) added to the patrimony of St Peter's, by despoiling the House of Este of the dutchy of Ferrari. He was the last Pope whom the powers of Europe permitted to be a conqueror. But their consciences, and those of their subjects, continued to be tributary to the Church; and Alexander VII. (Ghigi, 1660) was enabled to raise his family to the highest splendour, and to fill Rome with the most magnificent monuments. The two fiefs of Maglian Pecovareccio and Scrofano, belonging to the present Prince Ghigi, were purchased with the produce of some utensils of massy gold which the King of Portugal had presented to a nephew of Alexander VII. At last, however, the signal humiliations which the Court of Rome sustained from the ministers of Louis XIV. encouraged the other princes to attempt to relieve themselves from impositions which had long ceased to be voluntary. Spain purchased, for two millions of dollars, from Benedict XIV. (Lambertini, 1740) the freedom from all future taxation. This revenue belonged exclusively to the civil list of the Popes; and Benedict agreed to the transaction, to enable him to meet the wants of the State without oppressing his subjects with new taxes. But it showed all other nations, that their contributions could be dispensed with: and his successors, less disinterested than himself, were under the necessity of replacing this revenue, by impoverishing their own subjects. Afterwards,

with the same virtuous intentions, and the same improvidence as Lambertini, Ganganelli, by destroying the Jesuits, deprived Rome of all the riches which they had brought thither; and Pius VI., on succeeding to him, found a public debt and paper money.

The creditors of the Apostolick Chamber were partly the subjects of the Pope, and partly other Italians, chiefly the Genoese;—they received three per cent. interest. There was at that time the most unlimited confidence in the Italian governments; which they owed to their antiquity—to the peace which all Italy had enjoyed for half a century—and, above all, to the punctuality with which they fulfilled their engagements in matters of finance. Even after the French had passed the Alps, money continued to be poured into the public funds; and Rome being at a distance from the seat of war, and considered as a sacred city, appeared the most secure place of deposite for the capitals of individuals; which Pius felt no scruple in employing for his own purposes. Notes of the value from 2*l.* to 3*l.* had long been in circulation; but Pius greatly increased the number, and issued at the same time notes for very small sums. The effect was immediate: A depreciation instantly took place, which was met and increased by new issues of still falling paper. The people, in whose hands it was hourly losing value, found themselves beggared in the midst of plenty; and, while the annuitants and stockholders were ruined, the bankers amassed such riches as enabled them to purchase estates and titles of nobility. Pius, however, went on with his buildings; and, to defray the expenses, bethought him of establishing Manufactories to be supported by Government; but as there was unfortunately no capital or habits of industry, and as all who had any money were eager to secure it on land, the experiment ended in increasing the disorder of the finances.

The next project was the extension of Agriculture—which certainly appeared in some respects more inviting. Of that vast tract of country which is called the Agro Romano, the whole of which is capable of culture, hardly a fourth part is cultivated: the rest is abandoned, from the want of capital and population. Its low situation, and the stagnant moisture extending over so great a surface, frequently infects the air, and thins the population of the adjoining districts. Pius VI. was advised to advance money to the proprietors, to enable them to build houses, and procure implements to be given to such inhabitants of the bordering mountains as would agree to quit their steril lands and descend into the plain. Instead of adopting this easy and prac-

ticable plan of improving the Agro Romano, Pius undertook a project which might have suited the Roman Emperors in the period of their prosperity. He exhausted all his efforts, and all the resources of his paper money, in attempting to drain the Pontine Marshes. He did succeed in part and more perhaps might have been done, had he entrusted the management to better hands. But the project in itself appears hopeless;—the sources of much of the water being below the level of the sea. —Napoleon, whose ambition aimed at changing not only the political, but if possible the physical face of Europe, sent, some years after, with the same view, the senators Fossombroni and Monge, both celebrated mathematicians: But their report was, that it appeared to them almost impossible. By means of canals, however, and a great number of drains, the water has been drawn off from the higher parts of the surface into the lower marshes: But the stirring of the soil, chiefly composed of putrid vegetable substances, corrupted the atmosphere; and the infection of the Mal-aria, which formerly had but slowly insinuated itself among the neighbouring inhabitants, now rapidly extended its ravages; and the population of Piperno, Sezza, and Sermonetta, who had formerly enjoyed at least intervals of health, were now constantly exposed to its deadly influence. Pius slackened his exertions; but his vanity would not permit him entirely to abandon the enterprise. He laid open the *Via Appia*, one of the most striking monuments of ancient Roman greatness, and still extremely beneficial to commerce. The small portion of the Marsh that had been made capable of cultivation, was however thought of sufficient importance to be reduced to an Ecclesiastical fief, with which he invested his nephews, the two sons of his sister, whom he obliged to take the name of Braschi.

On his accession to the Pontificate, perhaps ambitious of imitating the recent examples of Lambertini and Ganganelli, who had more at heart the prosperity of their subjects and of the Church than the advancement of their relations, he had sent Giraud to Cesena to tell them, that they had nothing to expect from him, and that they must never approach Rome. However, he yielded at length to the temptation of leaving behind him an illustrious posterity who might bear his name. The younger nephew he created a Cardinal, and married the elder to the daughter of an ancient patrician; and, to procure him a fortune suitable to the rank of Duke, to which he had raised him, he not only misapplied the public money, but basely submitted to the most humiliating expedients. An unlucky discovery satisfied the world, that the Pope himself managed

many of these intrigues, the scandal of which had formerly been confined to his relations and favourites.

Don Amanzio, the sole heir of the rich family of Lepri, being a priest, was of course condemned to celibacy. The Pope employed his secretary, Nardini, and other inferior agents, to persuade him to make a donation, *inter vivos*, of all the possessions of his family to the Duke Braschi, on condition of his receiving a Cardinal's hat. He resisted the temptation a long time; but the Pope still persevering in his holy endeavours, nominated him a prelate, with a seat on the Bench; and, the more to dazzle his imagination, he deigned to officiate in his pontifical robes at the installation of Don Amanzio. This farce, however, raised such a clamour in the city, that the Pope was obliged to retire for a while into the country; but he still clung to his object, and raised Don Amanzio to the rank of his Chamberlain, who at last yielded to make the donation; but, on his insisting on the Cardinalship, he was banished the Court, and the house of the Duke. His death, which happened soon after, was, as usual in such cases, ascribed to his disappointment, or to poison. However, on his deathbed he revealed the whole transaction to his confessor, and bound him by an oath to make it public. Witnesses were then brought, before whom he solemnly retracted the donation. His relations, who were poor and numerous, supplicated the Pope in charity to obtain from his nephew some part of the succession:—but in vain.—They found, however, among his enemies, some persons who had the courage to assist them in bringing the case into a court of law. In this emergency, Pius spared no art of intimidation or corruption, and the Judges at first decided in his favour. But justice triumphed at last; and after many vicissitudes, the Duke was ordained to restore the property;—when the Pope, actuated by the same dignified feelings that had guided him through the whole transaction, to preserve at least a portion of the property, consented magnanimously to a composition with the heirs. These little adventures seem hardly worth notice, when compared with the stormy scenes which so soon followed; —yet, trifling as they may now appear, they were not without their effect in bringing on that great Revolution which was now slowly approaching.

We must now proceed, however, to the active, or suffering part of this Pope's life.—He went twice out of his territory—once voluntarily—and once by compulsion—though the first, perhaps, led to the other. The occasion we must now detail.

The discussions and recriminations attending the suppression of the Jesuits, had unveiled the secrets of the corruptions of the Catholic Church, and the fatal effects of the supremacy of the Popes over the powers of Europe. The Jansenists maintained, that the successors of St Peter had no right to temporal power: and Joseph II. placed Jansenists in all the churches and universities of Italy, that they might there propagate that doctrine. The Grand Duke Leopold adopted the same policy. The Court of Naples refused the antient right of vassalage to the Pontiff, who had the folly to think of opposing open force by impotent menaces. Pius attributed the conduct of the Catholic Courts more to the Ministers than the Sovereigns,—and more to the sophism of a few philosophers, than to the real cause, the progress of the principles of liberty: and, vainly imagining that his presence would excite such veneration among the people, that the rebellion of the Princes against his authority would be immediately checked by his appearance, he determined to go to Vienna, in the hope that, if he could bring over the Emperor to his views, he would have nothing to fear from the spirit of reform elsewhere. When he communicated this resolution to the Consistory, he found the majority inclined to oppose it: But he instantly declared, that he had called them together merely to appoint a Regency during his absence; and he nominated those Cardinals who had had the address to accede to his proposal. His departure was only announced at Rome, when he was some miles on his way, by the ringing of bells. He travelled in the humblest style, with no other suite than three Bishops, one Secretary, four servants, and not a single Cardinal. It is supposed by some, that he affected this simplicity on account of an antient prophecy of the twelfth century, in which Pius the VI. is described as a pilgrim, with the title of *Pellegrinus Apostolicus.*—It is possible this might have some influence; but it is more probable, this apparent humility was intended to inspire greater veneration and pity among the Catholicks in those countries he was about to traverse.

In all this, however, he was miserably disappointed: as his journey created no sensation anywhere. He was met some miles from Vienna by the Emperor, who begged him carelessly to quit his coach, and placed him at his right hand in his own post chaise. Instead of conducting him to the Archiepiscopal palace, where the Pope had ordered apartments, and a sort of ecclesiastical court to be prepared for him, Joseph lodged him in an Imperial palace, and appointed him a guard of honour and chamberlains who watched all his motions. In short, notwithstanding all that has been said of the filial devotion with which

the Emperor received the Father of Christians, he was treated like a prisoner, to whom no one deigned to listen. After having exhausted his patience in vain expedients, Pius VI., in a very short letter, written with his own hand, peremptorily demanded a private conference with the Emperor at a certain day and hour.—He might have refused this; for, in a letter, the tone of which does more honour to his frankness than his politeness, (and of which we give a literal translation below,*) he had already told the Pontiff, that he could only promise him at Vienna the honours of hospitality. Dreading, however, the eclat of an open rupture, Joseph agreed to the interview.—Pius conducted himself with much dignity; and, foreseeing the inutility of entreaties, he confined himself to reasonings and exhortation. He urged the former concessions of the Monarchs—their obedience to the Pontiffs—the Divine right, and the Bulls of his predecessors—the imminent dangers of religion from a general rebellion, of which the Monarchs themselves set the example to their people. Joseph was fully prepared with the arguments of the Jansenists against all the antient maxims of divine right—and displayed far more erudition than the Pope, who had never deeply studied those matters. The Emperor treated as forgeries those charters which in the Middle Age had enriched the priests and monks with the spoils of nations and of Kings;—and as to the Royal concessions, he alleged that having been extorted by force and cunning, in periods of gross ignorance, there was no injustice in retracting them in better times—that the corruption of religion had its source in the Church itself, and that the only way to purify it, was for the priests to recur to the practice of the Apostles, which they had quitted for the purpose of ambition,—and that it was in fact the priests who had at all times fomented the revolt of subjects against their legitimate sovereigns.

Joseph II. fatally experienced the truth of this last observation a few years after. We are little inclined to believe that he

* "Since your Holiness is determined to come to Vienna, I can only assure you of the reception and veneration suitable to your dignity. For if your Holiness expects to settle affairs with me, they may appear questionable at Rome, but are already decided at Vienna; and in that case the journey would be useless. My decisions are always guided by reason, equity, humanity, and religion; and, above all, by the counsels of wise, honest, and enlightened persons:—And for the Holy Chair and your Holiness. I have the devotion of a true Apostolick Catholick; and I implore your paternal benediction.

JOSEPH."

died by poison, and still less that Pius VI. had any share in his death. But the Prince de Ligne, who witnessed his last moments, asserts that he died broken-hearted, on account of the revolt of the Nobles and Bishops of Brabant and, from the conduct of the higher clergy at the commencement of the French Revolution, it can hardly be doubted that if they had agreed to bear their share of the necessary taxes, the Noblesse would have followed the example, and the Revolution would have been either prevented or rendered far less terrible.

The effects of this journey were more disastrous than can be well explained by any thing that occurred in it: or rather it coincided with other causes of discontent which had been for some time increasing. In certain states of the public mind, the absence of the sovereign, or the slightest miscarriage in his designs, may be fatal to his popularity. Pius travelled in the same modest style on his return into Italy—except at Cesena, where he could not resist the temptation of dazzling his fellow-citizens with his sovereign magnificence, and drained their little treasury for the expense of his fêtes: in return for which he promised them several public institutions, which he never had the means of establishing. All this added nothing to his popularity. He had left Rome, dreaded by all his subjects, and he returned despised. Even the populace mocked at his benedictions, and cried out for bread: He endeavoured to appease them by arbitrarily reducing the price of grain, which ruined the proprietors;—and at last, by making the weight of his arbitrary power fall on the great, he succeeded in changing their contempt into hatred. But he soon tasted its bitter fruits, and suffered in secret all those pangs, and that distress, which every one must feel whose interests are in opposition to his duties, and whose wants are above his means. He constantly changed his ministers, and sought by new acts of severity to stifle the clamours produced by acts of tyranny, which new daily multiplied. The unhappy state of his mind is disclosed in two long letters which he wrote on the scandalous story of the Queen of France's necklace. The disgrace of the Cardinal Rohan, and of the Church in general, had filled his heart with bitterness and melancholy presentiments. In signing his name, he frequently stopped to meditate on the fatal number VI.,—and said to his favourite secretary Nardini, *I fear the Church will have no Pope after I am gone.* In the vast church of St Paul, *extra muros*, there is a long series of medallions, with the portraits of all the Popes,—and there only remained one vacant space for that of Pius VI.!—The places destined for their tombs, were also all occupied, with the exception of one!—These

omens had not escaped the populace: and though Pius affected to laugh at them, he was not the less alarmed in his heart. At last the Revolution, and the advance of the French in Italy, forced him to assemble the Cardinals—that the ruin of the Church might not be imputed to him alone. Some members of this Consistory proposed conciliatory measures—others were eager for a Crusade against France;—a third party maintained, that it would be sufficient to place the fortresses and frontiers of the Ecclesiastical territory in a state of defence, and obtain the assistance of the English fleets in the Mediterranean, without troubling themselves about their neighbours. Cardinal Albani (uncle of the present Cardinal of that name) was of opinion, that they ought to avoid as much as possible mingling the affairs of the Church with their political arrangements; and that, by sacrificing their Ecclesiastical quarrels and pretensions, all the Princes of Italy might be united in an armed confederation, offensive and defensive; and that the Pope, for the future, should rather consider the common safety, than his individual preeminence.

If Pius had pursued the policy of Gregory VII., who united all the States of Italy in their resistance to foreign powers, it is probable that their subjection might have been at least retarded, and their humiliation less infamous. The Italians were the only natural defenders of the Church, and of Rome: while the Pope alone, by means of his religious influence, had the power to found and consolidate a durable confederation. But instead of this, the policy of Pius seems to have been to foment dissensions among the other States, that he might share the spoils of Italy with foreign enemies; and this system was persevered in, even on the approach of Buonaparte, when there was no longer any chance of safety but in a vigorous union.—Each little State, dreading the French, and distrusting its neighbour, prepared to purchase for itself a partial peace. Piedmont alone made a long and honourable resistance. Yet the people, in general, were far from approving of the French Revolution: they had been for centuries accustomed to their governments, such as they were; and had little desire, and little notion indeed, of any better. The love of liberty prevailed only among a part of the *tiers etat*, which in Italy, as everywhere else, forms the most enlightened part of the nation; but which, though apt enough to be most inflamed by political theories, is incapable of acting with effect, unless supported by the strength of the populace, or the influence of the nobility. Besides, in Italy they had been long condemned to silence, and did not abound in wealth. Such of the nobles as could do it with impunity, or thought themselves able to govern their fellow-citizens, declaimed loudly, at first, in

favour of the new political philosophy; but no sooner had the Revolution actually begun, than, alarmed by the sacrifices demanded of them, they basely deserted the cause they had so warmly adopted. This, indeed, is always the case, when the nobility are neither military, nor have any share in the government: they can never command, and they are unwilling to obey. They think more of their ancestors than their posterity, and talk more than they act. If advantage had been taken of the national hatred to the French, by forming an armed confederacy, defence was at least possible,—or, at all events, Italy would have fallen with honour. But the partial revolts of Pavia, and some other cities, only ensured their pillage by the army of Bonaparte; and the wanton and cruel massacre of the sick and wounded French in the hospitals of Verona, together with the women and children who followed their army, justly exasperated the enemy. In the States of the Pope, these useless crimes were more frequent; and the Government had already been guilty of the assassination of Hugh Bassville, who, either by order of the National Convention, or his own imprudence, was propagating at Rome revolutionary principles. Pius did not dare to send him away, and some of his zealous ministers directed him to be murdered by a soldier of the Papal guard: and, under pretence of encouraging the Roman people, the houses of several foreigners were burnt, and the Academy of France pillaged, and the students driven away. The advice of Cardinal Albani being rejected, a few soldiers were collected to drive the French from the territories of the Church; and much was expected from the influence of religion, in rousing the people to insurrection. The authority of the Pope was expiring: and he in vain endeavoured to check the progress of superstition, and forbid the secret conspiracies against the French. His ministers, the priests and the population, prevailed; and he was forced, in a moment of imminent peril, to beatify a lay Capucin who had lately died, and to order him to be adored before the altars. It was confidently expected that the Holy City would be saved through the intercession of this new saint; and in most of the churches in the Ecclesiastical States, the images of the Virgin were seen to move their eyes, and promise the destruction of the French; while the Pope was forced to approve of a new service which was chanted at all the altars, for the miraculous eyes of the Virgin. We do not know if it be yet abolished; and we have seen it printed under this title—*De apertione oris et oculorum B. M. Virginis: Auctoritate Pii VI. Pont. Max.*

Aided, rather than checked, by this absurd fanaticism, and

the secret conspiracies instigated by the famous Cardinal Ruffo and Cardinal Zelada, Bonaparte advanced. The army of the Pontiff fled; and Berthier, encamping on the heights of Mount Mario, summoned Pius to surrender Rome, or see it bombarded. He solicited an armistice, and made a present to Berthier of the greater part of the jewels of which, in the days of his prosperity, he had despoiled the Church of Loretto to adorn his own person; and the curious have lately noticed, among the ornaments of an Italian lady celebrated for her birth, her beauty, her adventures, and, above all, for the passions she inspired even in her old age, the very diamond which for many years had sparkled on the hand of the Pontiff, and shared the adoration of the prostrate multitude, on whom he bestowed his benedictions. Berthier gave him time to send ambassadors; who went with Azara, the Spanish minister, as mediator to Bonaparte, who granted them peace; and the Pope ceded the three legations of Bologna, Ferrara and Ravenna, with all their territories, together with a part of the Romagna, antiently called *Emilia.* Bonaparte signed this treaty at Tolentino, from whence he did not advance to triumph at the Capitol; and he who aspired to universal dominion, never beheld the metropolis of the world, though he bestowed its crown on his son while in his cradle. Before the frosts of the North had shown that the genius and power of Napoleon were among the precarious gifts of Fortune, the Italians had flattered themselves that he would one day transfer the seat of empire to Rome, as the only city from whence he could dictate to Europe. Such, however, was not his destiny—and the Capitol is again repeopled with Monks.

The plains of Italy were not only the noblest theatre of Napoleon's military glory, but it was there also that he acquired the reputation of a genius born, not merely to conquer, but to reform and govern nations—a reputation which he began to lose the moment he gave up his right to the awful title of Jacobin Emperor, and allied himself as a champion of Legitimacy, with those very Princes whom he had so often humiliated, despised, and deceived. When he conquered Italy, he kindled the flame of liberty in the place of religious fanaticism. He maintained the right of insurrection for the people, that he might be invited to assist in driving from their thrones those Princes who, incapable of defending their subjects, in fact merited their fate. He shewed clemency to those who had been induced to revolt against him through the intrigues of the priests and nobles, while he profited by their tumults, by laying impositions on the cities and churches. While the forms of all the new governments which he established were democratical and

constitutional, all his acts were arbitrary, and emanated from himself alone.

The Directory, alarmed at the dictatorial conduct of this General, who made conquests, signed treaties, and regulated governments at his pleasure, sent General Clarke (the Minister of War under Louis XVIII.) as their representative to the army. Bonaparte received him at Montebello, surrounded by his Staff; and, without opening the credentials which Clarke presented to him, he said, *General Clarke! if you come here resolved to act, write, and think as I shall order, you are welcome. But if you come to play the spy on me, return instantly from whence you came.*

While he deceived the multitude by those democratic theories, which excited their hopes, but which his actions constantly belied, he showed that he secretly leaned towards the side of the rich and the noblesse, by the monarchial pomp which he maintained. The patricians, however, and particularly those of Milan, were never imposed on by his arts; and though they accepted, and sometimes solicited, his favours, they never rendered him any essential service, nor ever testified the slightest gratitude. He ceased to foment discord among the Italian States, as soon as he found those divisions no longer necessary to his views; and he succeeded at last in uniting the interests of six millions of Italians under the same laws:—an enterprise which, till then, had appeared almost impracticable.

While he was still but a General, and engaged in organizing the Cisalpine Republick, many of the most clear-sighted Italians believed that Bonaparte's project then was, to make himself master of a great part of Italy, and govern it as an independent prince, without risking his fortune and fame, by again venturing among the storms of the French Revolution; and the pains which he took to awaken the spirit and military valour of the Italians, certainly gave some colour to that conjecture. However, from the moment of his first victory in Italy to the hour when he signed his abdication at Fontainebleau, he never ceased to keep the new governments of Italy, their laws, and even their opinions, under the direct influence of France. And it is now certain, that if he had not been prevented by his reverses in Russia, he would have incorporated the kingdom of Italy, as he had already done the Roman territory, among the departments of the empire.

The changes which now took place in Italy, were such as no imagination could conceive. Venice, which had obtained peace as a sovereign power, by a publick treaty signed by Bonaparte, was, after fourteen centuries of independence, made over to Austria by a secret treaty, signed at the

same time by the same individual. The revolts set on foot by the Jesuits, ceased in Lombardy the moment it was formed into a Republic. But the Pope was unable to restrain them in Rome; and some Cardinals, by opposing treason to treason, only provoked and hurried on that revolution they wished to avoid. La Reveilliere Lepaux, one of the members of the French Directory, seriously believed, that, if the Popedom were once destroyed, he would easily establish his favourite *Deism* throughout Europe! And his colleagues, desirous of keeping their armies at a distance from France, appeared to favour his *religious* views. The Directory sent emissaries to Rome, to tamper with some patricians who were known to be irritated against the priests; and money and arms were distributed among the malcontents. In the mean time, the police, without the knowledge of the Pope, raised a tumult, for the purpose of massacring the French and the conspirators. The French general Duphot, who was believed to be the chief of the Revolutionists, was killed by some of the Pope's soldiers. This was the signal for the populace to fall on the French and the Revolutionists. Joseph Bonaparte, at that time ambassador, escaped with difficulty. But the result is easily foreseen.—Military possession was taken of Rome—all negociation was in vain—and Pius was one night seized in his bed, forced into a carriage along with a prelate, a senator, and a servant, and was thus, at the age of 80, and in the 23d year of his pontificate, conducted out of his territories to die in the midst of a ferocious soldiery. On beholding the tricolor flag waving over the Capitol, he said with a sigh, *This is the anniversary of the day on which I was raised to the Chair of St Peter. I have before had similar warnings from Heaven, to think seriously and weep bitterly over my errors, which have hastened the ruin of my people.*

It is not our intention to trace the changes that took place in Rome, and in the Church, after the exile of Pius VI. We shall only remark, that the Ecclesiastical government, which, if it had not been for the Revolution, would have been obliged to declare itself bankrupt, finds itself at present almost free from debt, and in possession of a great revenue. The ingenious contrivances by which this has been effected, deserve notice. The French, whose main object was to collect money sufficient to pay their great armies, increased the issues of paper to the amount of thirty-six millions of piasters, (8 millions Sterling), which they received in payment of their contributions, and immediately exchanged for specie, at a loss. In a few months this paper money fell into total discredit; the French withdrew it from circulation; declared a bankruptcy; and im-

puted the whole to the preceding administration of Pius VI. They then issued a new paper in assignats, down to the value of five sous; but the successes of the Allies obliging them to quit Italy for a whole year, this new paper fell of itself.

As to the public debt, the successor of Pius only paid to the holders two-fifths of the interest at 3 per cent.; and Napoleon, on uniting Rome to the French empire, would only recognise as capital that part on which interest had been paid—thus cunningly getting rid of three-fifths of the debt. But the matter did not end here; for, soon after, a decree was issued, that those stockholders, like the other creditors of the empire, should receive 6 per cent.; and all that was exacted in return for this munificence, was the reduction of one half of their capital;—of course only one-fifth remained due of the sums actually deposited in the bank of the Pontiff. And Pius VII., on returning to Rome in 1814, not only found the public debt nearly extinguished, and the paper replaced by gold and silver, but the taxes augmented tenfold; and, in place of diminishing them, his ministers have since employed every expedient for their increase. The family of the reigning Pope, however, has not participated in this prosperity, for he has had the virtue to leave them in their original poverty: while individuals, who had been mere money-dealers, have risen to the rank of Dukes. The ambition of aggrandizing one's relations, seems, after all, more pardonable than that carelessness which leaves the revenues of the State at the mercy of upstarts: and in spite of all that has been said against *nepotism*, what would Rome be at this day without the great families established by the former Pontiffs? It is believed that a portion of the revenue raised by the Government is annually sent to Vienna, in fulfilment of a secret article in the treaty which restored to the Church the three legations of Bologna, Ferrara, and Ravenna. But no prince who purchases his territories can ever possess them in safety.—The garrison of Ferrara is Austrian.

The Romans now regret Pius VI., not merely because they are discontented with their present condition, but also because, with all his faults, Pius VI. really had virtues; and because the people always love those princes who are prodigal of the public money, and who exercise their despotism for the humiliation of the great. He displayed great magnanimity when he was dragged from his dominions. On his arrival at Sienna, an earthquake threatened the ruin of the city; and, instead of taking advantage of this event as directed against his impious oppressors, he attributed it to his own wrongs towards God; and issued a bull, in which, after releasing his subjects from their

oath of allegiance, he recommended docility and submission to the laws of Providence, and to the new Government. He was conducted to the Convent of the Chartreuse, near Florence, where, through the mediation of the Grand Duke of Tuscany, he was for some time permitted to remain:—But he was not destined long to enjoy this repose. The French Directory, pursuing its career of injustice and invasion, in a few months wrested his dominions from the Grand Duke, and conducted Pius, like a criminal, into France. He was carried through the most populous cities of Italy in open day; but his presence excited neither alarm, nor anger, nor even curiosity;—and the inhabitants of Bologna, where the enthusiasm of liberty pervaded all classes, and who had long been oppressed by his ministers, looked quietly on; and when the Pontiff bestowed his benediction through the glasses of his carriage, prostrated themselves with devotion before the Chief of their religion. They seemed to have forgotten, that he whom they now saw before them, was the very Sovereign whom they had so much detested, and against whom they had so lately risen in arms. No one made a movement to insult him; and no one breathed a sigh for his fate. The Directory, however, fearing the effect of his presence among the French, did not permit him to proceed beyond Mont Cenis, and shut him up in the fortress of Briançon: But the advance of the Allies in Piedmont, soon forced him into a new prison; and he was lodged in the citadel of Valance, where he endured many privations, which he bore without a murmur. A young man, the Count de Labrador, who accompanied him as Commissioner of the King of Spain, exerted himself for the relief of the dying Pontiff; and a French lady had the courage to bestow on him the cares and consolations which were necessary in one so worn down by age, infirmity, and solitude. But the vicinity of Valance to Avignon, which before the Revolution had belonged to the Holy See, roused afresh the suspicions of the Directory; and they ordered Pius to be transported to Dijon. This was a severe blow; but on being ordered to quit his pontifical habit, he summoned all his courage. He had always worn it; and requesting to be carried in his chair, in full canonicals, before the French Commissioners, he said—*I am ready to follow you: I have forgotten that I was one of the Monarchs of the earth; but the ministry to which Providence has called me, ought not to finish but when I shall have rendered up my account to my Eternal Judge.* —His legs had been swelled for some weeks; and the fear that he might die during the journey, induced them to yield to the remonstrances of De Labrador against his removal.

For some time past, remorse had given place in the breast of the Pope to the consciousness of having expiated his errors. His prayers, which had long been accompanied with tears, were now uttered with confidence and serenity; and he was filled with a calm resignation. His last days were probably the happiest of his life; and he sunk at last under the weight of age, rather than misfortune. A palsy slowly consumed him; and he yielded up his life with the same courage with which he had renounced his greatness. Having, during the eighteen months of his exile and imprisonment, been supported by charities which he never solicited, and always declined but when absolutely necessary, he could bequeath nothing to his companions in misery, except a little linen, a few pious books, and the plate he had been allowed to retain for the performance of the ceremonies of religion. Yet, when he was breathing his last, he was told he had no right to make a will, and that all he had belonged to the nation whose prisoner he was!—He died about the end of August 1799, after a longer reign than had fallen to the lot of any Pope since the time of St Peter.

ART. II. *Three Letters on the Game Laws.* Rest Fenner, Black & Co. London, 1818.

THE evil of the Game Laws, in their present state, has long been felt, and of late years has certainly rather increased than diminished. We believe that they cannot long remain in their present state: and we are anxious to express our opinion of those changes which they ought to experience.

We thoroughly acquiesce in the importance of encouraging those field sports which are so congenial to the habits of Englishmen, and which, in the present state of society, afford the only effectual counterbalance to the allurements of great towns. We cannot conceive a more pernicious condition for a great nation, than that its aristocracy should be shut up from one year's end to another in a metropolis, while the mass of its rural inhabitants are left to the management of factors and agents. A great man returning from London to spend his summer in the country, diffuses intelligence, improves manners, communicates pleasure, restrains the extreme violence of subordinate politicians, and makes the middling and lower classes better acquainted with, and more attached to their natural leaders. At the same time, a residence in the country gives to the makers of laws an opportunity of studying those interests which they may afterwards be called upon to protect and arrange. Nor is

it unimportant to the character of the higher orders themselves, that they should pass a considerable part of the year in the midst of these their larger families; that they should occasionally be thrown among simple, laborious, frugal people, and be stimulated to resist the prodigality of Courts, by viewing with their own eyes the merits and the wretchedness of the poor.

Laws for the preservation of Game are not only of importance, as they increase the amusements of the country, but they may be so constructed as to be perfectly just. The game which my land feeds is certainly mine; or, in other words, the game which all the land feeds certainly belongs to all the owners of the land; and the only practical way of dividing it is, to give to each proprietor what he can take on his own ground Those who contribute nothing to the support of the animal, can have no possible right to a share in the distribution. To say of animals, that they are *feræ Naturâ*, means only, that the precise place of their birth and nurture is not known. How they shall be divided, is a matter of arrangement among those whose collected property certainly has produced and fed them: But the case is completely made out against those who have no land at all, and who cannot therefore have been in the slightest degree instrumental to their production. If a large pond were divided by certain marks into four parts, and allotted to that number of proprietors; the fish contained in that pond would be, in the same sense, *feræ Naturâ*. Nobody could tell in which particular division each carp had been born and bred. The owners would arrange their respective rights and pretensions in the best way they could: But the clearest of all possible propositions would be, that the four proprietors, among them, made a complete title to all the fish; and that nobody but them had the smallest title to the smallest share. This we say, in answer to those who contend that there is no foundation for any system of Game Laws; that animals born wild are the property of the public; and that their appropriation is nothing but tyranny and usurpation.

In addition to these arguments, it is perhaps scarcely necessary to add, that nothing which is worth having, which is accessible, and supplied only in limited quantities, could exist at all, if it was not considered as the property of some individual. If every body might take game wherever they found it, there would soon be an end of every species of game. The advantage would not be extended to fresh classes, but be annihilated for all classes. Besides all this, the privilege of killing game could not be granted, without the privilege of trespassing on landed property;—an intolerable evil, which would entirely destroy the comfort and privacy of a country life.

But though a system of Game Laws is of great use in promoting country amusements, and may, in itself, be placed on a footing of justice, its effects, we are sorry to say, are by no means favourable to the morals of the poor.

It is impossible to make an uneducated man understand in what manner a bird, hatched nobody knows where,—to-day living in my field, to-morrow in your's,—should be as strictly property as the goose whose whole history can be traced, in the most authentic and satisfactory manner, from the egg to the spit. The arguments upon which this depends are so contrary to the notions of the poor,—so repugnant to their passions,—and, perhaps, so much above their comprehension, that they are totally unavailing. The same man who would respect an orchard, a garden, or an hen-roost, scarcely thinks he is committing any fault at all in invading the game-covers of his richer neighbour; and as soon as he becomes wearied of honest industry, his first resource is in plundering the rich magazine of hares, pheasants, and partridges—the top and bottom dishes, which on every side of his village are running and flying before his eyes. As these things cannot be done with safety in the day, they must be done in the night;—and in this manner a lawless marauder is often formed, who proceeds from one infringement of law and property to another, till he becomes a thoroughly bad and corrupted member of society.

These few preliminary observations lead naturally to the two principal considerations which are to be kept in view, in reforming the Game Laws;—to preserve, as far as is consistent with justice, the amusements of the rich, and to diminish, as much as possible, the temptations of the poor. And these ends, it seems to us, will be best answered,

1. By abolishing qualifications. 2. By giving to every man a property in the game upon his land. 3. By allowing game to be bought by any body, and sold by its lawful possessors.

Nothing can be more grossly absurd than the present state of the Game Laws, as far as they concern the qualification for shooting. In England, no man can possibly have a legal right to kill game, who has not 100*l.* a year in land rent. With us in Scotland, the rule is not quite so inflexible, though in principle not very different.—But we shall speak to the case which concerns by far the greatest number: And certainly it is scarcely possible to imagine a more absurd and capricious limitation. For what possible reason is a man, who has only 90*l.* per annum in land, not to kill the game which his own land nourishes? If the Legislature really conceives, as we have heard surmised by certain learned squires, that a person of such a degree of fortune should be confined to profitable pursuits,

and debarred from that pernicious idleness into which he would be betrayed by field sports, it would then be expedient to make a qualification for bowls and skittles—to prevent small land-owners from going to races, or following a pack of hounds—and to prohibit, to men of a certain income, every other species of amusement as well as this. The only instance, however, in which this paternal care is exercised, is that in which the amusement of the smaller land-owner is supposed to interfere with those of his richer neighbour. He may do what he pleases, and elect any other species of ruinous idleness but that in which the upper classes of society are his rivals.

Nay, the law is so excessively ridiculous in the case of small landed proprietors, that on a property of less than 100*l.* per annum, *no human being* has the right of shooting. It is not confined, but annihilated. The Lord of the Manor may be warned off by the proprietor; and the proprietor may be informed against by any body who sees him sporting. The case is still stronger in the instance of large farms. In Northumberland, and on the borders of Scotland, there are large capitalists, who farm to the amount of two or three thousand per annum, who have the permission of their distant, non-resident landlords, to do what they please with the game, and yet who dare not fire off a gun upon their own land. Can any thing be more utterly absurd and preposterous, than that the landlord and the wealthy tenant *together* cannot make up a title to the hare which is fattened upon the choicest produce of their land? That the landlord, who can let to farm the fertility of the land for growing wheat, cannot let to farm its power of growing partridges? That he may reap by deputy, but cannot on that manor shoot by deputy? Is it possible that any respectable magistrate could fine a farmer for killing a hare upon his own grounds with his landlord's consent, without feeling that he was violating every feeling of common sense and justice?

Since the enactment of the Game Laws, there has sprung up an entirely new species of property, which of course is completely overlooked by their provisions. An Englishman may possess a million of money in funds, or merchandise—may be the *Baring* or the *Hope* of Europe—provide to Government the sudden means of equipping fleets and armies, and yet be without the power of smiting a single partridge, though invited by the owner of the game to participate in his amusement. It is idle to say that the difficulty may be got over, by purchasing land: The question is, upon what principle of justice can the existence of the difficulty be defended? If the right of keeping menservants was confined to persons who had more than one hundred a year in the funds, the difficulty might be got over by

every man who would change his landed property to that extent. But what could justify so capricious a partiality to one species of property? There might be some apology for such laws at the time they were made; but there can be none for their not being now accommodated to the changes which time has introduced. If you choose to exclude poverty from this species of amusement, and to open it to wealth, why is it not opened to every species of wealth? What amusement can there be morally lawful to an holder of turnip land, and criminal in a possessor of Exchequer bills? What delights ought to be tolerated to Long Annuities, from which wheat and beans should be excluded? What matters whether it is scrip or short-horned cattle? If the *locus quo* is conceded—if the trespass is waived—and if the qualification for any amusement is wealth, let it be any proveable wealth—

Dives agris, dives positis in fœnore nummis.

It will be very easy for any country gentleman who wishes to monopolize to himself the pleasures of shooting, to let to his tenant every other right attached to the land, except the right of killing game; and it will be equally easy, in the formation of a new Game Act, to give to the landlord a summary process against his tenant, if such tenant fraudulently exercises the privileges he has agreed to surrender.

The case which seems most to alarm country gentlemen, is that of a person possessing a few acres in the heart of a manor, who might, by planting food of which they are fond, allure the game into his own little domain, and thus reap an harvest prepared at the expense of the neighbour who surrounded him. But, under the present Game Laws, if the smaller possession belongs to a qualified person, the danger of intrusion is equally great as it would be under the proposed alteration; and the danger from the poacher would be the same in both cases. But if it is of such great consequence to keep clear from all interference, may not such a piece of land be rented or bought? Or, may not the food which tempts game, be sown in the same abundance in the surrounding as in the enclosed land? After all, it is only common justice, that he whose property is surrounded on every side by a preserver of game, whose corn and turnips are demolished by animals preserved for the amusement of his neighbour, should himself be entitled to that share of game which plunders upon his land. The complaint which the landed grandee makes is this. "Here is a man who has only a twenty-fourth part of the land, and he expects a twenty-fourth part of the game. He is so captious and litigious, that he will not be contented to supply his share of the food, without requiring his share of what the food produces. I want a neighbour who has talents on-

ly for suffering, not one who evinces such a fatal disposition for enjoying." Upon such principles as these, many of the Game Laws have been constructed, and are preserved. The interference of a very small property with a very large one; the critical position of one or two fields, is a very serious source of vexation on many other occasions besides those of game. He who possesses a field in the middle of my premises, may build so as to obstruct my view; and may present to me the hinder parts of a barn, instead of one of the finest landscapes in nature. Nay, he may turn his field into tea-gardens, and destroy my privacy by the introduction of every species of vulgar company. The Legislature, in all these instances, has provided no remedy for the inconveniences which a small property, by such intermixture, may inflict upon a large one, but has secured the same rights to unequal proportions. It is very difficult to conceive why these equitable principles are to be violated in the case of game alone.

Our securities against that rabble of sportsmen which the abolition of qualifications might be supposed to produce, are, the consent of the owner of the soil as an indispensable preliminary, guarded by heavy penalties—and the price of a certificate, rendered perhaps greater than it is at present. It is impossible to conceive why the owner of the soil, if the right of game is secured to him, has not a right to sell, or grant the right of killing it to whom he pleases—just as much as he has the power of appointing whom he pleases to kill his ducks, pigeons, and chickens. The danger of making the poor idle, is a mere pretence. It is monopoly calling in the aid of hypocrisy, and tyranny veiling itself in the garb of philosophical humanity. A poor man goes to wakes, fairs and horse races, without pain and penalty; a little shopkeeper, when his work is over, may go to a bull-bait, or to the cock-pit; but the idea of his pursuing an hare, even with the consent of the land-owner, fills the Bucolic Senator with the most lively apprehensions of relaxed industry, and ruinous dissipation.—The truth is, if a poor man does not offend against morals or religion, and supports himself and his family without assistance, the law has nothing to do with his amusements. The real barriers against increase of sportsmen, (if the proposed alteration were admitted), are, as we have before said, the prohibition of the land-owner; the tax to the state for a certificate; the necessity of labouring for support.—Whoever violates none of these rights, and neglects none of these duties in his sporting, sports without crime;—and to punish him would be gross and scandalous tyranny.

The next alteration which we would propose is, that game

should be made property; that is, that every man should have a right to the game found upon his land—and that the violation of it should be punished as poaching now is, by pecuniary penalties, and summary conviction before magistrates. This change in the Game Laws would be an additional defence of game; for the landed proprietor has now no other remedy against the qualified intruder upon his game, than an action at law for a trespass on the land; and if the trespasser has received no notice, this can hardly be called any remedy at all. It is now no uncommon practice for persons who have the exterior, and perhaps the fortunes of gentlemen, as they are travelling from place to place, to shoot over manors where they have no property, and from which, as strangers, they cannot have been warned. In such case, (which, we repeat again, is by no means one of rare occurrence), it would, under the reformed system, be no more difficult for the lord of the soil to protect his game, than it would be to protect his geese and ducks. But though game should be considered as property, it should still be considered as the lowest species of property—because it is in its nature more vague and mutable than any other species of property, and because depredations upon it are carried on at a distance from the dwelling, and without personal alarm to the proprietors. It would be very easy to increase the penalties, in proportion to the number of offences committed by the same individual.

The punishments which country gentlemen expect by making game property, are the punishments affixed to offences of a much higher order: but country gentlemen must not be allowed to legislate exclusively on this, more than on any other subject. The very mention of hares and partridges in the country, too often puts an end to common humanity and common sense. Game must be protected; but protected without violating those principles of justice, and that adaptation of punishment to crime, which (incredible as it may appear) are of infinitely greater importance than the amusements of country gentlemen.

We come now to the sale of game.—The foundation on which the propriety of allowing this, partly rests, is the impossibility of preventing it. There exists, and has sprung up since the game laws, an enormous mass of wealth, which has nothing to do with land. Do the country gentlemen imagine, that it is in the power of human laws to deprive the three per cents of pheasants? That there is upon earth, air, or sea, a single flavour (cost what crime it may to procure it), that mercantile opulence will not procure? Increase the difficulty, and you enlist vanity on the side of luxury; and make that be sought for as a display of wealth, which was before valued only for the gratification of appetite.

The law may multiply penalties by reams. Squires may fret, and Justices commit, and gamekeepers and poachers continue their nocturnal wars. There must be game on Lord Mayor's day, do what you will. You may multiply the crimes by which it is procured; but nothing can arrest its inevitable progress, from the wood of the esquire to the spit of the citizen. The late law for preventing the sale of game produced some little temporary difficulty in London at the beginning of the season. The poulterers were alarmed, and came to some resolutions. But the alarm soon began to subside, and the difficulties to vanish. In another season, the law will be entirely nugatory and forgotten. The experiment was tried of increased severity; and a law passed to punish poachers with transportation who were caught poaching in the night time with arms. What has the consequence been?—Not a cessation of poaching, but a succession of village guerillas;—an internecive war between the gamekeepers and marauders of game;—the whole country flung into brawls and convulsions, for the unjust and exorbitant pleasures of country gentlemen. The poacher hardly believes he is doing any wrong in taking partridges and pheasants. He would admit the justice of being transported for stealing sheep: and his courage in such a transaction would be impaired by a consciousness he was doing wrong: But he has no such feeling in taking game; and the preposterous punishment of transportation makes him desperate, and not timid. Single poachers are gathered into large companies, for their mutual protection; and go out, not only with the intention of taking game, but of defending what they take with their lives. Such feelings soon produce a rivalry of personal courage, and a thirst of revenge between the villagers and the agents of power. We extract the following passages on this subject from the Three Letters on the Game Laws.

'The first and most palpable effect has naturally been, an exaltation of all the savage and desperate features in the poacher's character. The war between him and the gamekeeper has necessarily become a "*bellum internecivum.*" A marauder may hesitate perhaps at killing his fellow man, when the alternative is only six months' imprisonment in the county gaol; but when the alternative is to overcome the keeper, or to be torn from his family and connexions, and sent to hard labour at the Antipodes, we cannot be much surprised that murders and midnight combats have considerably increased this season; or that information, such as the following, has frequently enriched the columns of the country newspapers.

'"POACHING.—Richard Barnett was on Tuesday convicted before T. Clutterbuck Esq., of keeping and using engines or wires for the destruction of game in the parish of Dunkerton, and fined 5*l.* He was taken into custody by C. Coates, keeper to Sir Charles Bamfylde, Bart., who found upon him 17 wire-snares. The new act that

has just passed against these illegal practices, seems only to have irritated the offenders, and made them more daring and desperate. The following is a copy of an anonymous circular letter, which has been received by several magistrates, and other eminent characters in this neighbourhood.

' " TAKE NOTICE.—We have lately heard and seen that there is an act passed, and whatever poacher is caught destroying the game, is to be transported for seven years.—*This is English liberty!*

' " Now, we do swear to each other, that the first of our company that this law is inflicted on, that there shall not one gentleman's seat in our country escape the rage of fire. We are nine in number, and we will burn every gentleman's house of note. The first that impeaches shall be shot. We have sworn not to impeach. You may think it a threat, but they will find it reality. The Game Laws were too severe before. The Lord of all men sent these animals for the peasants as well as for the prince. God will not let his people be oppressed. He will assist us in our undertaking, and we will execute it with caution. " '—*Bath Paper.*

' " DEATH OF A POACHER.—On the evening of Saturday se'ennight, about eight or nine o'clock, a body of poachers, seven in number, assembled by mutual agreement on the estate of the Hon. John Dutton at Sherborne, Gloucestershire, for the purpose of taking hares and other game. With the assistance of two dogs, and some nets and snares which they brought with them, they had succeeded in catching nine hares, and were carrying them away, when they were discovered by the gamekeeper, and seven others who were engaged with him in patroling the different covers, in order to protect the game from nightly depredators. Immediately on perceiving the poachers, the keeper summoned them in a civil and peaceable manner to give up their names, the dogs, implements, &c. they had with them, and the game they had taken; at the same time assuring them, that his party had fire arms (which were produced for the purpose of convincing and alarming them), and representing to them the folly of resistance, as, in the event of an affray, they must inevitably be overpowered by superior numbers, even without fire-arms, which they were determined not to resort to, unless compelled in self-defence. Notwithstanding this remonstrance of the keeper, the men unanimously refused to give up on any terms, declaring, that if they were followed, they would give them a " brush, " and would repel force by force. The poachers then directly took off their great coats, threw them down with the game, &c. behind them, and approached the keepers in an attitude of attack. A smart contest instantly ensued, both parties using only the sticks or bludgeons they carried: and such was the confusion during the battle, that some of the keepers were occasionally struck by their own comrades in mistake for their opponents. After they had fought in this manner about eight or ten minutes, one of the poachers, named Robert Simmons, received a

violent blow upon his left temple, which felled him to the ground, where he lay, crying out murder, and asking for mercy. The keepers very humanely desired that all violence might cease on both sides: upon which three of the poachers took to flight and escaped, and the remaining three, together with Simmons, were secured by the keepers. Simmons, by the assistance of the other men, walked to the keeper's house, where he was placed in a chair: but he soon after died. His death was no doubt caused by the pressure of blood upon the brain, occasioned by the rupture of a vessel from the blow he had received. The three poachers who had been taken were committed to Northleach prison. The inquest upon the body of Simmons was taken on Monday, before W. Trigge, Gent., Coroner; and the above account is extracted from the evidence given upon that occasion. The poachers were all armed with bludgeons, except the deceased, who had provided himself with the thick part of a flail, made of firm knotted crab-tree, and pointed at the extremity, in order to thrust with, if occasion required. The deceased was an athletic muscular man, very active, and about twenty-eight years of age. He resided at Bowle, in Oxfordshire, and has left a wife, but no child. The three prisoners were heard in evidence; and all concurred in stating that the keepers were in no way blameable, and attributed their disaster to their own indiscretion and imprudence. Several of the keeper's party were so much beat as to be now confined to their beds. The two parties are said to be total strangers to each other, consequently no malice prepense could have existed between them; and as it appeared to the Jury, after a most minute and deliberate investigation, that the confusion during the affray was so great, that the deceased was as likely to be struck by one of his own party as by the keeper's, they returned a verdict of—*Manslaughter* against some person or persons unknown." '

'Wretched as the first of these productions is, I think it can scarcely be denied, that both its spirit and its probable consequences are wholly to be ascribed to the exasperation naturally consequent upon the severe enactment just alluded to. And the last case is at least a strong proof that severity of enactment is quite inadequate to correct the evil.' p. 356—359.

Poaching will exist in some degree, let the laws be what they may; but the most certain method of checking the poacher seems to be by underselling him. If game can be lawfully sold, the quantity sent to market will be increased, the price lowered, and, with that, the profits and temptations of the poacher. Not only would the prices of the poacher be lowered, but we much doubt if he would find any sale at all. Licenses to sell game might be confined to real poulterers, and real occupiers of a a certain portion of land. It might be rendered penal to purchase it from any but licensed persons; and in this way the facility of the lawful, and the danger of the unlawful trade, would

either annihilate the poacher's trade, or reduce his prices so much, that it would be hardly worth his while to carry it on. What poulterer in London, or in any of the large towns, would deal with poachers, and expose himself to indictment for receiving stolen goods, when he might supply his customers at fair prices by dealing with the lawful proprietor of game? Opinion is of more power than law. Such conduct would soon become infamous; and every respectable tradesman would be shamed out of it. The consumer himself would rather buy his game of a poulterer at an increase of price, than pick it up clandestinely, and at a great risk, though a somewhat smaller price, from porters and boothkeepers. Give them a chance of getting it fairly, and they will not get it unfairly. At present, no one has the slightest shame at violating a law which every body feels to be absurd and unjust.

Poultry-houses are sometimes robbed;—but stolen poultry is rarely offered to sale;—at least, nobody pretends that the shops of poulterers, and the tables of monied gentlemen, are supplied by these means. Out of one hundred geese that are consumed at Michaelmas, ninety-nine come into the jaws of the consumer by honest means;—and yet, if it had pleased the country gentlemen to have Goose Laws as well as Game Laws;—if goose-keepers had been appointed, and the sale and purchase of this savoury bird prohibited, the same enjoyments would have been procured by the crimes and convictions of the poor; and the periodical gluttony of Michaelmas have been rendered as guilty and criminal, as it is indigestible and unwholesome. Upon this subject we shall quote a passage from the very sensible and spirited Letters before us.

'In favourable situations, game would be reared and preserved for the express purpose of regularly supplying the market in fair and open competition; which would so reduce its price, that I see no reason why a partridge should be dearer than a rabbit, or a hare and pheasant than a duck or goose. This is about the proportion of price which the animals bear to each other in France, where game can be legally sold, and is regularly brought to market; and where, by the way, game is as plentiful as in any cultivated country in Europe. The price so reduced would never be enough to compensate the risk and penalties of the unlawful poacher, who must therefore be driven out of the market. Doubtless, the great poulterers of London and the commercial towns, who are the *principal instigators of poaching*, would cease to have any temptation to continue so, as they could fairly and lawfully procure game for their customers at a cheaper rate from the regular breeders. They would, as they now do for rabbits and wild-fowl, contract with persons to rear and preserve them for the regular supply of their shops, which would be a

much more commodious and satisfactory, and less hazardous way for them, than the irregular and dishonest and corrupting methods now pursued. It is not saying very much in favour of human nature to assert, that men in respectable stations of society had rather procure the *same ends* by honest than dishonest means. Thus would all the temptations to offend against the Game Laws, arising from the change of society, together with the long chain of moral and political mischiefs, at once disappear.

'But then, in order to secure a sufficient breed of game for the supply of the market, in fair and open competition, it will be necessary to authorize a certain number of persons, likely to breed game for sale, to take and dispose of it when reared at their expense. For this purpose, I would suggest the propriety of permitting by law, occupiers of land to take and kill game, for sale or otherwise, on their *own occupations only*, unless (if tenants) they are specifically prohibited by agreement with their landlord; reserving the game and the power of taking it to himself (as is now frequently done in leases.) This permission should not, of course, operate during the current leases, unless by agreement. With this precaution, nothing could be fairer than such an enactment; for it is certainly at the expense of the *occupier* that the game is raised and maintained: and unless he receive an equivalent for it, either by abatement of rent upon agreement, or by permission to take and dispose of it, he is certainly an injured man. Whereas it is perfectly just that the owner of the land should have the option either to increase his rent by leaving the disposal of his game to his tenant, or *vice versâ*. Game would be held to be (as in fact it is) an *outgoing* from the land, like tithe and other burdens, and therefore to be considered in a bargain; and land would either be let *game-free*, or a special reservation of it made by agreement.

'Moreover, since the breed of game must always depend upon the occupier of the land, who may, and frequently does, destroy every head of it, or prevent its coming to maturity, unless it is considered in his rent; the license for which I am now contending, by affording an inducement to preserve the breed in particular spots, would evidently have a considerable effect in increasing the stock of game in other parts, and in the country at large. There would be introduced a general system of protection depending upon individual interest, instead of a general system of destruction. I have, therefore, very little doubt that the provision here recommended would, upon the whole, add facilities to the amusements of the sportsman, rather than subtract from them. A sportsman without land might also hire from the occupier of a large tract of land the privilege of shooting over it, which would answer to the latter as well as sending his game to the market. In short, he might in various ways get a fair return, to which he is well entitled for the expense and trouble incurred in rearing and preserving that particular species of stock upon his land.' p. 337—339.

There are sometimes 400 or 500 head of game killed in great manors on a single day. We think it highly probable, the greater part of this harvest (if the Game Laws were altered) would go to the poulterer, to purchase poultry or fish for the ensuing London season. Nobody is so poor and so distressed as men of very large fortunes, who are fond of making an unwise display to the world; and if they had recourse to these means of supplying game, it is impossible to suppose that the occupation of the poacher could be continued.—The smuggler can compete with the spirit-merchant, on account of the great duty imposed by the Revenue; but where there is no duty to be saved, the mere thief—the man who brings the article to market with an halter round his neck—the man of whom it is disreputable and penal to buy—who hazards life, liberty, and property to procure the articles which he sells; such an adventurer can never be long the rival of him who honestly and fairly produces the articles in which he deals.—Fines, imprisonments, concealment, loss of character, are great deductions from the profits of any trade to which they attach, and great discouragements to its pursuit.

It is not the custom at present for gentlemen to sell their game; but the custom would soon begin, and public opinion soon change. It is not unusual for men of fortune to contract with their gardeners to supply their own table, and to send the residue to market, or to sell their venison; and the same thing might be done with the manor. If game could be bought, it would not be sent in presents:—barn door fowls are never so sent, precisely for this reason.

The price of game would, under the system of laws of which we are speaking, be further lowered by the introduction of foreign game, the sale of which, at present prohibited, would tend very much to the preservation of English game by underselling the poacher. It would not be just, if it were possible, to confine any of the valuable productions of nature to the use of one class of men, and to prevent them from becoming the subject of barter, when the proprietor wished so to exchange them. It would be just as reasonable that the consumption of salmon should be confined to the proprietors of that sort of fishery—that the use of charr should be limited to the inhabitants of the lakes—that maritime Englishmen should alone eat oysters and lobsters, as that every other class of community than the land-owners should be prohibited from the acquisition of game.

It will be necessary, whenever the Game Laws are revised, that some of the worst punishments now inflicted for an infringement of these laws, should be repealed.—To transport a man for seven years, on account of partridges, and to harass a poor

wretched peasant in the Crown Office, are very preposterous punishments for such offences: Humanity revolts against them—they are grossly tyrannical—and it is disgraceful that they should be suffered to remain on our statute books. But the most singular of all abuses, is the new class of punishments which the Squirarchy have themselves enacted against depredations on game. The law says, that an unqualified man who kills a pheasant, shall pay five pounds; but the Squire says he shall be shot;—and accordingly he places a spring-gun in the path of the poacher, and does all he can to take away his life. The more humane and mitigated Squire mangles him with traps; and the suprafine country gentleman only detains him in machines, which prevent his escape, but do not lacerate their captive. Of the gross illegality of such proceedings, there can be no reasonable doubt. Their immorality and cruelty are equally clear. If they are not put down by some declaratory law, it will be absolutely necessary that the Judges, in their invaluable circuits of Oyer and Terminer, should leave two or three of his Majesty's Squires to a fate too vulgar and indelicate to be alluded to in this Journal.

Men have certainly a clear right to defend their property; but then it must be by such means as the law allows:—their houses by pistols, their fields by actions for trespass, their game by information. There is an end of law, if every man is to measure out his punishment for his own wrong. Nor are we able to distinguish between the guilt of two persons,—the one of whom deliberately shoots a man whom he sees in his fields—the other of whom purposely places such instruments as he knows will shoot trespassers upon his fields: Better that it should be lawful to kill a trespasser face to face, than to place engines which will kill him. The trespasser may be a child—a woman—a son or friend:—The spring-gun cannot accommodate itself to circumstances,—the Squire or the gamekeeper may.

These, then, are our opinions respecting the alterations in the Game Laws, which, as they now stand, are perhaps the only system which could possibly render the possession of game so very insecure as it now is. We would give to every man an absolute property in the Game upon his land, with full power to kill—to permit others to kill—and to sell;—we would punish any violation of that property by summary conviction, and pecuniary penalties—rising in value according to the number of offences. This would of course abolish all qualifications; and we sincerely believe, it would lessen the profits of selling Game illegally, so as very materially to lessen the number of poachers. It would make Game, as an article of food, accessible to all classes, without infringing the laws. It would limit the amuse-

ments of country gentlemen within the boundaries of justice—and would enable the Magistrate cheerfully and conscientiously to execute laws, of the moderation and justice of which he must be thoroughly convinced. To this conclusion, too, we have no doubt we shall come at the last. After many years of scutigeral folly—loaded prisons *—nightly battles—poachers tempted—and families ruined, these principles will finally prevail, and make law once more coincident with reason and justice.

Art. III. *Mémoires de Chirurgerie Militaire, et Campagnes:* Du Baron D. J. Larrey, Premier Chirurgien-en-Chef de l'Hôpital de la Garde Royale, &c. &c. &c. 8vo. Paris. Tomes 1, 2, 3. 1812. pp. 1394.—Tome 4. 1817. pp. 500.

Our readers need not be alarmed at the title of these volumes; for we shall not follow the author through the formidable details of wounds and surgical operations, upon which, with the true zeal of his profession, he delights to dwell.—These things, we have always thought, are better left to the Medical Journals; but there is quite enough of general information in this work, to render it deserving of our notice. It is an account, chirurgical and military, of most of the French campaigns, from the year 1792 to the end of 1814,—of course including those in which Bonaparte had a share, from the commencement of his extraordinary career, to the first capture of Paris by the Allies:—And it contains, besides the medical occurrences, a lively narrative of all that fell within the author's observation, during the transactions of that eventful period.—There is one point of view, however, in which even its professional details are of deep and universal interest.—It is good, we think, to show, again and again, to those who see nothing in war but images of gallantry and splendour, that the picture has a reverse:—And the volumes before us furnish the most copious evidence, as to the dreadful amount and variety of misery which great armies, in their hostile operations, are doomed to suffer, as well as to inflict.

M. Larrey, who is a native of the south of France, began the study of his profession at Toulouse at the age of thirteen: and went from thence to Paris in 1787. He obtained the appoint-

* In the course of the last year, no fewer than *twelve hundred* persons were committed for offences against the Game; besides those who ran away from their families for the fear of commitment. This is no slight quantity of misery.

ment of surgeon in the army of the Rhine in 1792; and being present at the taking of Spire, under General Custin, had an opportunity of observing, for the first time, the great defects of the French system of field surgery; the wounded being left, to be collected after battle; so that 24 or 36 hours frequently elapsed, before any surgical attention could be given to them. These observations soon suggested to the author his system of what he denominates *ambulances-volantes*, which he afterwards succeeded in completing during the campaign of Italy. These *ambulances*, in their most perfect form, consist of a mounted corps of surgeons and inferior assistants, regularly taught and practised in the manœuvres necessary to enable them to dress the wounded on the field of battle, and to remove them with expedition to other ambulances, or temporary hospitals, which were always prepared in the vicinity, on the approach of an action,—to be transferred from thence, at leisure, to more permanent establishments. For the conveyance of the wounded, light carriages, of a peculiar construction, were provided, which rendered the transport so easy and expeditious, that the ambulances-volantes could follow the most rapid movements of the advanced guard. The plan was first reduced to practice by the author, in consequence of the French being compelled to abandon their wounded at Limbourg; and he was enabled to make trial of his new invention, in a battle which took place soon after. This, too, was the first action at which he was ever present; and he fairly tells us, that his nervous system was a good deal disturbed: But the satisfaction which he derived from the success of his new contrivance, soon dissipated his uneasy feelings; and from that moment, he assures us, he has always been calm in battle. About this time, also, he became convinced of the advantages of amputating wounded limbs immediately upon the field, in preference to waiting, where that operation was thought necessary, till a later period:—a capital improvement in military surgery, which the more recent experience of the best English surgeons has fully confirmed.

We are not aware that any arrangements similar to those of the ambulances we have just described, have yet been adopted in the British army: A defect, which is the more remarkable, as the talents and activity of the officers who compose the medical department of the service, are universally acknowledged. In such hands, it is to be hoped that measures will be taken to supply this deficiency in future campaigns; for we have understood, that considerable inconvenience and injury have arisen, upon some memorable occasions, from the want of prompt assistance to our wounded.

In 1794, the author returned to Paris, and was soon after introduced to Buonaparte, at that time General of the artillery, in an expedition intended for Corsica, which however did not sail. But, in 1797, he was ordered to join the army of Italy at Milan: and, in the course of the campaign, was directed by Buonaparte himself to organize a complete corps of *ambulances-volantes:* the very sight of which, at the advanced posts, he informs us, gave confidence to the soldiers; who now felt assured, that in case of injury, relief was always at hand. * The treaty of Campo Formio was soon afterwards concluded; and the next enterprise that M. Larrey was engaged in, was the memorable expedition to Egypt; to which he has devoted a large and interesting portion of his book. The surgical department consisted of a numerous corps of excellent officers, all the young men of the schools being eager to join this romantic expedition: But the vessel that contained their stock of instruments and apparatus, which was very complete, was taken by the English. We need not dwell upon the more prominent events of that extraordinary campaign; but several circumstances, mentioned by the author, exhibit, in a strong light, the conduct and sufferings of the invaders.—The expedition landed in Egypt in July 1798; and the wounded of the first actions recovered, in that admirable climate, with a rapidity which astonished M. Larrey.—During the first passage of the Deserts, numbers of the best soldiers perished, 'as it were by extinction,' under the effects of heat and thirst: but this form of death appeared to the author to be unusually calm; and he was assured by one of the dying men, that he found himself, 'Dans un bien-être inexprimable!'—At the battle of Salahieh, the soldiers felt, for the first time, the power of the Mameluke sabres, with which, in several instances, whole limbs were struck off at a blow. On the march to Suez, in December, the route was traced accross the Desert by the bones of men and animals, of all sorts, the relics of former travellers. The nights were so cold as to prevent their sleeping, and these bones were their only fuel; for they saw but a single tree, in crossing that vast plain. It was found, on their return, that the plague had broken out at Damietta; and the author gives a full account of that distemper, and of the measures which he took to check its progress. He is decidedly of opinion, that

* During the siege of Metz, under the celebrated Duke of Guise, Ambrose Paré, 'the father of French Surgery,' having been entreated to assist the garrison, was presented to the soldiers on the breach, who received him with acclamations, and afterwards shewed much greater spirit in their defence of the place.

it is contagious; and we are glad to have this additional testimony, from a practical man of so much experience, in opposition to some more recent doctrines upon this subject, which appear to us to be equally unfounded, and full of danger. *

M. Larrey wisely declines to detail the storming of Jaffa; but he gives a full account of the memorable siege of Acre, where the sufferings of the French were not to be described. The wounded lay on rushes, in a marshy plain, without covering, and under scarcity of every kind; and he himself, he tells us, never for an instant enjoyed calm and complete repose.—Buonaparte left the place for a few days, to assist Kleber in repelling Ibrahim Bey; and the author, with disgusting profaneness, says that he was expected at Nazareth, '*comme un nouveau Messie!!*' —But, on returning to Acre, after thirteen assaults, not one of which succeeded, he was compelled to raise the siege.

The retreat across the Deserts was dreadful. The wounded were infested with the plague: the army was assailed by the Kampsin, or scorching wind of the Desert, which destroyed numbers of the convalescents:—And they found also a new enemy, that for some time escaped detection—the pools of muddy water being full of leeches, which, when the soldiers lay down and drank greedily, passed into the mouth without being perceived, and fixed themselves in the upper part of the throat, from whence it was not easy to dislodge them. The natural thickness of these creatures, was that of a horse-hair; but, when distended with blood, they swelled to the bulk of an ordinary leech, causing great inconvenience, and, in some instances, even death.—Kleber, who took the command, on Buonaparte's return to France, was assassinated by one of the natives, in 1801; and the cruelty with which the wretched murderer was put to death, was very disgraceful to the French; but the author describes the transaction with surprising physiological composure.—' Il fut condamné par un tribunal spécial, à périr du supplice appliqué dans ce pays à ces sortes des crimes. Le courage et le sangfroid avec lequel *il se laisse bruler la main droite, et empaler,* étonnent l'homme sensible, et prouvent combien la ferme volonté de l'individu influe sur les sensations physiques. '—His hand, in fact,

* This question is at present before a Committee of the House of Commons, with a view to some proposed change of the quarantine laws. These laws, very possibly, may be amended; and the regulations which they impose, perhaps, rendered less inconvenient:—But we are convinced, that the *principle* of quarantine ought not to be abandoned.—We may perhaps take another opportunity to call the attention of our readers to this important topic.

was burned to the very bones; and he lived, upon the stake, for about four hours, in the most cruel torment, without uttering a single complaint.—It is impossible that such an atrocious scene could have occurred, in any country, under the eyes of an English army.

But the time, at last, was come, when the French were to abandon all their Egyptian conquests: and M. Larrey expresses, in warm terms, his grief at this reverse. He says, very candidly, that he cannot tell exactly why the French lost the battle with the English on the 21st March, just as they were about to gain the victory!—but he remarks, that it seemed to be decreed that nothing was to succeed with them in that campaign. It was afterward, however, 'in sailing by the coast of Africa, the situation of which is so well adapted for colonies, that I regretted, still more bitterly, the loss of Egypt, and offered up my prayers for our speedy return to that rich and marvellous country.'—"How much, said I to myself, it is to be wished, that all our colonies were united in Syria, Egypt, and the coast of Africa!" The possession of these countries would no doubt be productive of the greatest benefit to France; which is, besides, the only state in Europe that can, from its situation, fully enjoy them.'—II. p. 299.

The author arrived in France at the close of 1801; and received, both from the army of Egypt, and the Government, the most honourable testimonies of gratitude for his services; which he certainly appears to have deserved. In 1802, he published his account of the Egyptian campaign, and began to lecture at Paris upon military surgery.—But a new order of affairs, he says, was now in preparation, 'qui devait mettre les institutions de la France, en harmonie avec celles du reste de l'Europe, *et fixer invariablement les destinées de ce grand etat.*'—The First Consul, in short, was soon raised to the throne; and when the new Emperor, after his coronation by the Pope, repaired to his army in December 1804,—'to avenge the nation upon the English, for their violation of the treaty of Amiens,' M. Larrey once more joined the army at Bologne. The troops, he says, were actually embarked, burning with impatience; and the English, 'frappés de terreur,' were trembling at the prospect of invasion. But in the mean time, unfortunately, the combined fleet was pursued by Nelson, to be at last destroyed at Trafalgar, and a new coalition was formed on the Continent.—'In a moment every thing was changed;'—the troops were disembarked; and traversing France with the utmost rapidity, the campaigns of Ulm and Austerlitz were begun, before the enemy was aware of their approach.—The author gives a very animated account of the capture of Ulm, and of the wonderful events which followed:

—transactions so strangely contrasted with those which have produced the present state of Europe, that some effort would be required to believe in their reality, if we did not recollect the sentiments, approaching to dèspair, with which the account of them was received in England, by every friend of Liberty, and of the best hopes of mankind:—The French troops were constantly on forced marches, without regular provisions, from their departure till they entered Vienna, and all their baggage was left behind: yet their health was good, and seemed even to have improved upon the march.—'In short,' says M. Larrey, 'if the soldier be in good spirits, and not exposed to long continued abstinence, nor allowed to repose too long after fatigue, he is in no danger of sickness. It is even an advantage, that on arriving at his quarters he is compelled to forage, and provide for himself: And, unless the quarters and provisions be excellent, the labours of preparing for the bivouac is really of service to him.'

On the night before the battle of Austerlitz, the French army was posted on a circle of small hills, so as to form a sort of amphitheatre; and as Napoleon rode through the lines, the soldiers, who were more than 80,000, all at once lighted torches of straw, and celebrated with loud shouts the anniversary of his coronation. It was impossible that troops, thus excited, and already victorious, should not be again successful. The result is too well known; and the author says, that he never saw a field of battle which presented a more dreadful picture of destruction.—The wounded, of both armies, were assembled at Brunn, where typhus fever of the worst description soon broke out, and speedily reaching the prisoners and inhabitants, was conveyed with the former into France. This scourge, we learn from M. Larrey, attended also the retreat from Russia; scarcely a French town escaping, that was visited by the troops of that campaign: The same thing happened in Saxony, especially at Dresden, in 1813; and again, after the retreat from Leipsic, the French and German towns within the range of the armies, were universally infected with fever. There is in short no inference from the narratives of these volumes more decisive, than that which points out the connexion between Pestilence and War.

The next year (1806) produced the campaign of Prussia. After the battle of Jena, 'the Saxons were wise enough to detach themselves from the coalition, and make a separate peace:' a proof of wisdom, for which they have certainly been sufficiently requited, both by enemies and friends.—The Prussian dominions were soon overrun; the Poles crowded with deputations from all quarters, entreating the protection of the Emperor; and on

the 2d of December, again the anniversary of his coronation, Buonaparte announced to his army, that the Russians were before them on the Vistula: ' these same Russians, whom last year they had overcome at Austerlitz.' The marches which ensued, to Pultusk, and Eylau, where the troops bivouacked under a temperature of 32 degrees below the freezing point, were a foretaste of what they were afterwards to suffer during a Russian winter:—' I had,' says M. Larrey, ' early in the morning of the battle (at Eylau), established an ambulance in some barns, to the left of the road at the entrance of the town; but, unfortunately, they were open on every side, the straw roofs having been taken for the horses, so that we were obliged to place our wounded on what was left of this straw, half covered with snow. The cold was so severe, that the instruments frequently dropped from the hands of my assistants, during our operations; and it was night before we could take any refreshment. When all was quiet, and the wounded had been attended to, a sudden movement of the enemy bore down immediately upon the ambulances; such of the wounded men as had the power of motion immediately took to flight.—M. Larrey hastened to finish the amputation of a leg which he had begun; and the surgeons, with their attendants, as a last resource, were preparing for defence, when a charge of the French cavalry, in the midst of a whirlwind of snow, relieved them.' III. 38—40.

The extreme exhaustion of the country, and the severity of the weather, determined the author to send the wounded back to Inowracklaw, a distance of 55 French leagues, through miserable roads, and under every sort of privation; yet they arrived in good condition; and it is even probable, he thinks, that many of them were benefited by this removal. *—An animated

* The popular opinion, as to the benefit of exposure to cold and abstinence, after severe wounds, appears to be correct.—Several instances in confirmation of it, are said to have occurred at Waterloo; and, in Clarendon's account of the battle of Edghill, which took place on the 23d October, the case is mentioned of *Sir Gervas Scroop*, who recovered, after he ' had fallen with 16 wounds in his body and head, and had lain stripped among the dead, from that time, which was about three in the afternoon on Sunday, all that cold night, all Munday, and Munday night, and till Tuesday evening, for it was so late before his son found him.— . . . . . . The next morning after, being Wednesday, there was another gentleman, named Bellingham, found among the dead, and brought off (living) by his friends, with twenty wounds!—*The Surgeons were of opinion, that both these gentlemen owed their lives to the inhumanity of those who stripped them, and to the coldness of the nights,—which stopped*

sketch is given afterwards of the defeat of the Russians at Friedland, and of the scenes upon the Niemen, during the memorable negociation at Tilsit; from whence M. Larrey soon returned to Berlin, and Paris; and Buonaparte repaired to Milan, to be crowned King of Italy.

We pass over the account of the expedition into Spain, in which the author accompanied Buonâparte and his guards: and we have already given a full description of the memorable battles during the Austrian Campaign of 1809.* After that of Essling, in which it is clear, even from the author's narrative, that the French were beaten, the wounded were crowded into the Island of Lobau; where they lay, for three days, without shelter, on the bare ground. The days were sultry, but the nights very cold; the high winds covered them with clouds of dust, and the destruction of the bridges having cut off their supplies, M. Larrey was obliged to make soup for them of horse flesh, which he seasoned with gunpowder for want of salt. The mess, he assures us, was not the worse for this, the blackness of the gunpowder being removed in the cooking; and those who had a little biscuit, contrived to make a very palatable sort of compound.

In 1811, M. Larrey published his first three volumes, which conclude with the peace of 1809.—The scene was now to change; and having witnessed the progress of Buonaparte's elevation, he was destined also to take a part in the still more extraordinary occurrences that produced his fall.—His peculiar situation and pursuits, have enabled him to fill up the picture, of the Russian Campaign especially, with some very striking details. In the spring of 1812, the French army was already advanced in Prussia, yet none of them were acquainted with their destination; some even supposing that they were to embark for England from the shores of the Baltic;—yet it is asserted that the map of Russia, made use of by Buonaparte and his Marshals during the campaign, had been in preparation two years before. † The author, who was appointed Surgeon in chief to this vast army, completed the Medical and Surgical Department at Berlin; and during his stay in that city, delivered lectures to his officers, and caused them to practise constantly the principal

' *their blood, better than all their skill and medicaments could have*
' *done; and that had they been brought off within any reasonable dis-*
' *tance of time after their wounds, they had undoubtedly perished.'*—
Clarendon's Hist. of the Rebellion, &c. folio, 1704, p. 43.

* Edin. Rev. 1811, Vol. 18. p. 392, &c.

† Odelebem, Campagne en Saxe, I. p. 129.

operations of Surgery; the ambulances, also, being exercised daily in the duties of the field. At Wilna, arrangements were made for the reception of 6000 wounded; and a grand review was intended to have taken place, on the 10th July, but was prevented by a storm, of such unusual violence, as to throw the troops into confusion, and compel even Buonaparte to quit the field: an occurrence afterwards regarded as a sort of omen, of the fate that was preparing for him.—After the first battle at Witepsk, the French, although victorious, were in want of necessaries, and were soon compelled to fall back.—'I had the greatest difficulty,' the author says, 'in dressing the wounded on the field, and was obliged to use the linen of the soldiers, and even our own shirts, for bandages.' So early did they begin to suffer under the precipitation of their leader; one of whose great errors, in this ill-fated campaign, was the neglect of all provisions for the physical support of his troops. The condition of the Russian prisoners, under such circumstances, was dreadful; and a horrible account is given, of 350 of their wounded, who were not discovered till the fourth day after the battle. The author states the French loss at Smolensko, at more than 7200 hors du combat:—'And here, having been for several days in want of linen, we were obliged to dress the wounded with *the Records*, which we found in the Archives where we had established our hospital.—The parchments served instead of splints; tow, and the down of the birch tree, for lint; and even the beds of the wounded men were made of the papers.' p. 31.

Under the impression that the army would advance no further into Russia at that season, the greater part of the ambulances, and all the surgeons of the reserve, were left at Smolensko; where the wounded were already collected, to the number of 10,000: But on rejoining the army, after an action at Volontina, M. Larrey was dismayed to find, that Bonaparte had determined to go on:—with the expectation, he supposes, that one decisive battle might finish the campaign. He was obliged to leave at this place, the last division of the ambulances, and hastened after the army; which soon entered, for the first time, and with most gloomy anticipations, upon the vast plains that constitute the greater part of Russia Proper. And here, the author was himself attacked, with symptoms resembling those of sea-sickness; the horizon appearing to him to be incessantly in motion, like the waves of a troubled sea:—An effect, which he ascribes, in part, to the constant movement of the crowds that surrounded him on these extensive plains. But the extreme anxiety and bodily fatigue to which he was constantly exposed, must no doubt have had a share in its production.

From henceforward, the whole army suffered under privations of every description: Viarma, which had been a great magazine of stores, they found deserted and on fire; it was impossible to extinguish the flames, and the army passed through with difficulty.

When it was ascertained that the Russians had taken the position of Mojask (Borodino), the author was directed to prepare for a great battle: an order which he received with consternation; for all his surgeons, and the carriages of the ambulances, were still behind, and he had great difficulty in mustering, from the regiments, a small corps of forty-five surgeons and assistants.—After a march of six-and-thirty hours, in want of every thing, they arrived at the Russian position: and there, even water could be obtained only at a rivulet under the fire of the enemy. We have already * given La Beaume's account of the battle on the 7th September; a struggle, such as was to be expected from two armies, one of which fought absolutely for existence, and the other made the last stand in defence of their metropolis. It would be impossible, M. Larrey says, to describe the field,—where between five and six hundred thousand men had fought, for more than fifteen hours, within the space of a square league. The surgeons laboured without ceasing among the wounded, in despite of the cold, and of northerly winds, so strong, that the torch, which was necessary at night to enable the author to perform his operations, was kept with difficulty from being extinguished. The wounds, too, of this battle were universally severe, being principally from the artillery: † and the author asserts (p. 57), that, during the first twenty-four hours, he himself amputated about two hundred limbs! Many of the sufferers had neither straw to lie upon, nor covering, shelter or provisions; and the surgeons were at last obliged, in several instances, to wash the bandages with their own hands.—The army advanced on the day after the battle; but M. Larrey remained for three days upon the field.—He found the town of Mojask deserted, and on fire; but full of wounded Russians, tormented with burning thirst: and he censures, with great severity and apparent justice, the unskilfulness of the Russian surgeons.—A few miles further, notwithstanding the vicinity of one of the largest capitals of the globe, the country was a sandy and completely desert plain, the melancholy aspect of which produced despondency among the troops, which were new completely exhaust-

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* Edin. Rev. Vol. XXIV. p. 381-2.

† The Russian musket bullets, also, are larger than the French.

ed; and at this place numbers, of the young guard especially, were victims to the excessive use of *Chenaps*, a sort of spirit impregnated with narcotic ingredients; which had been very destructive to the army ever since their entrance into Russia.

The streets of Moscow were deserted, and the city was soon found to be on fire in several distant quarters, where none of the French had yet appeared. The flames advanced on every side with dreadful rapidity; and the Russians were continually active in assisting their progress. One of these incendiaries even made his way into the palace occupied by General Grouchy, and with a lighted torch attempted to set fire to the bed-curtains, when he was seized by the General's son, (on whose authority the author mentions the fact), and given up to the patrole, to be put to death. 'It would be difficult, under any circumstances, to witness a more horrid spectacle, than that which was now before us. During the night, especially, of the 18th September, when the flames were at their height, the scene was most astonishing: the weather was fine and dry, and the wind, which was extremely violent, between north and east.—During this night, the image of which will never be effaced from my recollection, the whole city was on fire; thick jets of flame, of various colours, shot up on every side to the very clouds, and cast around a scorching heat and brilliant illumination. These jets, prolonged by the violence of the winds, were accompanied with a horrid hissing, and with continual explosions of the various combustibles with which the houses and shops were filled.—Fear and amazement occupied every heart.—The guards, the staff, and the chief of the army, left the Kremlin, and the city; and formed an encampment at Petroski, on the road to Petersburgh.' (p. 74.)

The miseries of such of the inhabitants as ventured to remain, 'driven by the progress of the fire from house to house,' were horrible. 'The soldier, tormented by hunger and thirst, braved every danger, to rescue, from the cellars and the burning shops, provisions, wines, and various articles of plunder, and dispersed themselves pell-mell among the inhabitants, seizing upon every thing they could rescue from the flames.' Even when the fire had subsided, and some magazines of necessaries began to be discovered, they were hoarded, 'with ill-judged economy, from immediate use, to be at last deserted or destroyed.' Large stores, of furs and winter clothing in particular, were thus kept in reserve, instead of being instantly prepared for the approaching severe weather. The troops, on the other hand, indulged in every kind of excess; the discipline of the army was completely at an end; and 'Moscow,' the author says, 'became, for our army, another Capua.'

In the mean time, the Russians closed in on every side; and when, at last, the retreat began, the French were loaded, horses, carriages, and men, with plunder of every description:—'the 'army of Darius departing from Babylon did not exhibit a 'more curious spectacle.' The battle of Malo-Jaroslavitz, which drove them back to the line of their advance, completed the despair of the troops, who well knew what awaited them, in a country which they had done so much to ravage. Even at Borodino, a great quantity of their baggage was left behind. The dead bodies remaining on the field of battle there, were found in a state of congelation; and soon after, at Holoskoi, there was a heavy fall of snow, which increased the misery of the bivouacs. At Doroghoboi, the hospital took fire. M. Larrey himself escaped through the midst of the flames; and some of the wounded were burnt to death.—The troops expected to find magazines at Smolensko, and to rest for some days; for horse flesh had been their only food till their arrival there, (November 4th): But they were bitterly disappointed. The thermometer had fallen to 11° below zero (43° below the freezing point) of Fahrenheit; and the north-east wind was violent. This sudden increase of the cold destroyed great numbers of the young men and of the horses. Those who were so prudent as to march on foot, and could obtain a little coffee and sugar, fared the best; but the cavalry and those in carriages were dreadful sufferers, from the freezing and mortification of their extremities. From hence to Krasnoi, the thermometer was at 15° below zero, (47° below freezing); and, in this space of four-and-twenty leagues, they did not find a single habitation. —'It was in this short march, that we learned to prize the bodies of our horses:—A horse broken loose was instantly despatched, and cut to pieces almost alive. Wo to the animal that wandered some paces from his master! The division of this prey often gave rise to quarrels, among persons of all ranks; and even the women surmounted obstacles of every kind, to seize upon a share of it.' pp. 91, 92.

In this wretched state, being almost surrounded, they were obliged to give battle, on the 17th November. The rear-guard, and the old guards, were the only soldiers in a condition to fight: yet the bravery exhibited by the whole was admirable; the women who still remained with them assisting the wounded, even under the fire of the enemy. They left 1200 men upon the field; and this last attack completed the dissolution of the army, the guards alone retaining afterwards their arms and discipline.

At the memorable passage of the Berezina, the author himself escaped with considerable difficulty: he had returned to

the east bank of the river, to secure some cases of surgical instruments; and must have perished, if he had not been recognised by the soldiers, who lifted him over their heads from one to another, and thus enabled him to regain the bridge a few hours before it broke down. It is remarkable, that the place where Bonaparte threw his bridges, was precisely that where Charles XII. was known to have crossed, in pursuit of the Russians, for the very purpose of avoiding the village of Borisow; yet this position was left altogether unguarded by General Formasoff, who seems to have confined his attention solely to the village. In the same manner, after the passage, the troops (for they had no longer any baggage) were enabled to escape by a well-known cross road, leading through defiles and forests, where the author says that a company of Cossacks, with a single gun, might have stopped the whole army: And thus they regained the great road at Smorgoni, two marches ahead of the enemy, who had, till then, been in their front.—From this last village Bonaparte decamped, leaving the command to Murat.

During the night of the 5th December, which they passed in bivouac, the thermometer fell rapidly to 9°, 11°, 13°, and 15° below zero, (41, 43, 45, and 47 below the freezing point.) 'At our entry into Osmiana, my thermometer was at 24° below zero; it fell during the night to 26½°; *and the bivouac was terrible!*—I was myself so fortunate as to pass that fatal night in a warm chamber, and upon a little straw,—(M. Larrey, it will be recollected, was a Baron of the Empire, and at the head of the surgical staff),—after taking some food, with which one of my old companions in Egypt had the goodness to supply me. We marched the next morning before day, the thermometer being then at 29° below zero, and could scarcely hold ourselves erect, or perform the most simple movements. He who lost his equilibrium and fell to the ground, was instantly struck with an icy and mortal stupefaction. We found upon the road, a great number of dead of the 12th division, which had come to meet us at Osmiana.* I left in this village, with one of my surgical officers, all the wounded who wished to stay;—*I could not bear to see them die upon the road, without having the power to assist them.* With the exception of some select troops of the guard, who still preserved their great coats or cloaks, their boots and gloves, the whole army was now in a state of frightful nakedness. Mixed in complete confusion, without arms, or any mark of distinction among the corps, they were nothing but a mass of wretched individuals, marching in a

* Of this division, commanded by General Loison, which consisted of 12,000 men at their departure from Wilna, only 360 got back to France. They were principally very young men.

crowd, and compelled by cold and weakness to press together, and lean upon each other for support.—But nothing could be more ludicrous, and at the same time more deplorable, than their habiliments.—They were covered with fragments of pelisses, cloaks, or morsels of stuff of different colours; the fires of the bivouacs having gradually consumed their original garments.' pp. 105, 106.

At Miednicki, the thermometer at the author's button-hole, was at 31° below zero, (63° below freezing); *and the whole army, without exception, was compelled to bivouac.* 'Wo be to him who gave way to his inclination to slumber: a few minutes were sufficient to freeze him entirely through, and he was left dead upon the place where he had fallen asleep.' There was now very little difference between the temperature of the days and nights; and the cold was nearly of the same intensity during all the rest of the march.—'The sides of the road were strewed with the dead bodies of those who had perished during the night between the 8th and 9th;—and at last,' says M. Larrey, 'we were in such a state of torpor and depression, that it was with difficulty we could recognise each other;—we marched along in melancholy silence, our sight and muscular strength so much reduced, that we could hardly preserve our direction, or maintain our equilibrium;—and when any of us fell, his companions did not even turn aside to look at him. Though I was myself one of the most robust in the army, it was with the greatest difficulty that I arrived at Wilna. My strength and my courage were almost totally gone; I was just ready to fall,—no doubt, like so many other unfortunate beings who had perished before my eyes, never to have risen again.' pp. 106—7.

At Wilna, the soldiers devoured every thing they could seize upon; the misery and confusion if possible increased; and the mountain between that place and Kouno was nearly as fatal to those who still survived, as the passage of the Berezina. After crossing the Niemen, being still pursued, some of the guard who preserved their arms attempted to rally, and fire upon the Cossacks; but the cold iron of the muskets deprived them of the use of their fingers, and they were obliged to retire.—About 3000 of the best soldiers of the guard, almost all natives of the south of France, were now the only survivors who preserved their horses, or retained any thing like a warlike appearance. The Dukes of Dantzic and Istria were at the head, Murat and Beauharnois in the centre of this body,—the last remnant of 400,000 men who had passed through this very country scarcely six months before, in the highest state of discipline and military splendour. The first night which the author passed at Gumbinen, it may well be supposed, was delightful: he there, for the first time since his departure from Moscow, enjoyed a plentiful meal, and slept in a comfortable bed. From thence he repaired to Koningsberg to prepare the

hospitals for the retreating troops; and arrived there, emaciated and worn out with fatigue, leading his last remaining horse by the bridle, on the night of the 21st December, at a temperature of 17½° below zero, or 49¼ below the freezing point; and he had scarcely given his directions for the treatment of 10,000 sick and wounded, who were already collected in that place, when he was himself attacked with Typhus fever.—It was not till the French arrived at Leipsic in the following March, that the retreat could properly be considered as at an end.

Subjoined to this narrative, there are some interesting observations on the effects of cold upon the human system.—'The death of the unfortunate victims was generally preceded by paleness, a sort of idiotism, difficulty of speech, and weakness, or even total loss of sight. In this state some of them continued to march on, for a short time, helped along by their friends or comrades; but their muscular powers became insensibly weaker; they staggered like drunken men, and fell at last entirely deprived of life.' The fate of those who could not keep up with the columns was still more rapid, and the dead bodies were found lying on the face. The want of food materially aggravated the effects of the cold; and, to appease their hunger, the soldiers frequently swallowed snow or freezing water, which were often fatal.' On the other hand, the author remarks, a small quantity of wine or coffee immediately calmed the sensation of hunger: and once, after three days of fasting, during which he had taken only a little coffee, a single glass of claret, which he drank with inexpressible delight, instantly put an end to the pangs he had been suffering for several hours. The greatest injuries maintained by the survivors, arose from their having approached the fires of the bivouacs, while their limbs were yet in part congealed,—which caused, in numberless instances, the mortification and loss of their extremities.

It was observed, universally, that individuals of what the author calls the 'bilioso-sanguine' temperament, with dark hair, and brown complexions, endured the cold much better than those of an opposite appearance. And hence the natives of the south of Europe fared better, during this lamentable retreat, than the Dutch * and Germans of the army;—a fact, which our notions respecting the influence of habit on the animal economy, certainly would not have led us to expect. Even the Russians, the author asserts, lost more from cold, in proportion, than the French: and he was assured, by a physician long

* Out of 1787 Dutchmen in the grenadiers of the guard, not more than 41, including officers, returned, two years afterwards, to France

settled at Moscow, that the French inhabitants could walk the streets with impunity, during the depth of winter, in clothing comparatively light; while the Russians, wrapped in their warm pelisses, could hardly resist the cold.—He alleges also, that the natives of the south retained their courage and mental energy, longer than the northern soldiers. And the Poles, who might seem to furnish an objection to this doctrine, he thinks, on the contrary, support it; for he considers that people, as having originated in Asia Minor, and consequently as agreeing in character and constitution with the natives of the south of Europe. It ought, however, to be remembered, that M. Larrey is himself a Southern.

There was in reality no definite termination to the campaign of 1812; for the Russians continued to advance, till Buonaparte took the field again in the spring of 1813. We propose to make the events of that important year, the subject of a distinct article in the present Number: But there is one anecdote, in M. Larrey's account of the battle of Hanau, which we must insert in this place.—Among the wounded upon that occasion, was a young officer, named Robsoman, who lost an arm by a cannon shot while advancing at the head of his column. In this condition, he was retiring, when a second bullet carried off one of his legs. His father, a captain of the ex-guard, who had heard of the first accident, hastened to his relief; and taking his son upon his shoulders, entreated the assistance of M. Larrey.—He was pale, cold, and exhausted:—they stood apart, with only one assistant, close to the fire of the troops; and Larrey, not daring to ask the father to hold his own son during the two amputations which were necessary, was looking round in vain for other help—'Vous pouvez compter sur moi, me dit le capitaine, puisqu'il s'agit de sauver la vie do mon fils.'—The father was perfectly firm; and the young man did not utter a single moan.—'I completed both my operations, and dressed the wounds with the patient's linen and my own. I dared not, however, hope for his recovery; but I advised his father to remove him to the nearest village, and to surrender himself to the enemy, that he might attend him during his illness. My advice was followed; and, to my great surprise, this young soldier paid me a visit on his return from prison in Germany, in October 1814.'—p. 450, &c.

The author naturally appears unwilling to dwell upon the misfortunes of his master; and sketches very rapidly the principal events of the campaign of France in 1814; the close of which (for he does not mention Waterloo) afforded him, he says, at last, the prospect of repose, after thirty years of service; during which he had taken a part in four-and-twenty different campaigns.

ART. IV. *Human Life: A Poem.* By SAMUEL ROGERS. 4to. p. 94. London, 1819.

THESE are very sweet verses. They do not indeed stir the spirit like the strong lines of Byron, nor make our hearts dance within us, like the inspiring strains of Scott; But they come over us with a bewitching softness that, in certain moods, is still more delightful—and soothe the troubled spirits with a refreshing sense of truth, purity and elegance. They are pensive, rather than passionate; and more full of wisdom and tenderness than of high flights of fancy, or overwhelming bursts of emotion—while they are moulded into grace, at least as much by the effect of the Moral beauties they disclose, as by the taste and judgment with which they are constructed.

The theme is HUMAN LIFE!—not only 'the subject of all verse,'—but the great centre and source of all interest in the works of human beings—to which both verse and prose invariably bring us back, when they succeed in rivetting our attention, or rousing our emotions,—and which turns every thing into poetry to which its sensibilities can be ascribed, or by which its vicissitudes can be suggested. Yet it is not by any means to that which, in ordinary language, is termed the poetry or the romance of human life, that the present work is directed. The life which it endeavours to set before us, is not life diversified with strange adventures, embodied in extraordinary characters, or agitated with turbulent passions—not the life of warlike paladins, or desperate lovers, or sublime ruffians—or piping shepherds or sentimental savages, or bloody bigots or preaching pedlars—or conquerors, poets, or any other species of madmen—but the ordinary, practical and amiable life of social, intelligent and affectionate men—such, in short, as multitudes may be seen living every day in this country—for the picture is entirely English—and though not perhaps in the choice of every one, yet open to the judgment, and familiar to the sympathies, of all. It contains, of course, no story, and no individual characters. It is properly and peculiarly contemplative—and consists in a series of reflections on our mysterious nature and condition upon earth, and on the marvellous, though unnoticed changes which the ordinary course of our existence is continually bringing about in our being. Its marking peculiarity in this respect is, that it is free from the least alloy of acrimony or harsh judgment, and deals not at all indeed in any species of satirical or sarcastic remark. The poet looks on man, and teaches us to look on him not merely with love, but with reverence;

and, mingling a sort of considerate pity for the shortness of his busy, little career, and for the disappointments and weaknesses by which it is beset, with a genuine admiration of the great capacities he unfolds, and the high destiny to which he seems to be reserved, works out a very beautiful and engaging picture, both of the affections by which Life is endeared, the trials to which it is exposed, and the pure and peaceful enjoyments with which it may often be filled.

This, after all, we believe, is the tone of true wisdom and true virtue,—and that to which all good natures draw nearer, as they approach the close of life, and come to act less, and to know and to meditate more, on the varying and crowded scene of human existence.—When the inordinate hopes of early youth, which provoke their own disappointment, have been sobered down by longer experience and more extended views—when the keen contentions, and eager rivalries, which employed our riper age, have expired or been abandoned—when we have seen, year after year, the objects of our fiercest hostility, and of our fondest affections, lie down together in the hallowed peace of the grave—when ordinary pleasures and amusements begin to be insipid, and the gay derision which seasoned them to appear flat and importunate—when we reflect how often we have mourned and been comforted—what opposite opinions we have successively maintained and abandoned—to what inconsistent habits we have gradually been formed—and how frequently the objects of our pride have proved the sources of our shame; we are naturally led to recur to the careless days of our childhood, and to retrace the whole of our career, and that of our contemporaries, with feelings of far greater humility and indulgence than those by which it had been accompanied;—to think all vain but affection and honour—the simplest and cheapest pleasures the truest and most precious—and generosity of sentiment the only mental superiority which ought either to be wished for or admired.

We are aware that we have said 'something too much of this;' and that our readers would probably have been much more edified, as well as delighted with Mr Rogers' text, than with our preachment upon it. But we were anxious to convey to them our sense of the spirit in which this poem is written;—and conceive, indeed, that what we have now said falls more strictly within the line of our critical duty, than our general remarks can always be said to do;—because the true character and poetical effect of the work seems, in this instance, to depend much more on its moral expression, than on any of its merely literary qualities.

The author, perhaps, may not think it any compliment to be thus told, that his verses are likely to be greater favourites with the old than with the young;—and yet it is no small compliment, we think, to say, that they are likely to be more favourites with his readers every year they live:—and it is at all events true, whether it be a compliment or not, that as readers of all ages, if they are anyway worth pleasing, have little glimpses and occasional visitations of those truths which longer experience only renders more familiar, so no work ever sinks so deep into amiable minds, or recurs so often to their remembrance, as those which embody simple, and solemn, and reconciling truths in emphatic and elegant language—and anticipate as it were, and bring out with effect, those salutary lessons which it seems to be the great end of our life to inculcate.—The pictures of violent passion and terrible emotion—the breathing characters, the splendid imagery and bewitching fancy of Shakespeare himself, are less frequently recalled, than those great moral aphorisms in which he has so often

Told us the fashion of our own estate,
The secrets of our bosoms—

and, in spite of all that may be said by grave persons of the frivolousness of poetry, and of its admirers, we are persuaded that the most memorable, and the most generally admired of all its productions, are those which are chiefly recommended by their practical wisdom, and their coincidence with those salutary intimations with which nature herself seems to furnish us from the passing scenes of our existence.

The literary character of the work is akin to its moral character; and the diction is as soft, elegant, and simple, as the sentiments are generous and true. The whole piece indeed is throughout in admirable keeping; and its beauties, though of a delicate, rather than an obtrusive character, set off each other to an attentive observer, by the skill with which they are harmonized, and the sweetness with which they slide into each other. The outline, perhaps, is often rather timidly drawn, and there is an occasional want of force and brilliancy in the colouring, which we are rather inclined to ascribe to the refined and somewhat fastidious taste of the artist, than to any defect of skill or of power. We have none of the broad and blazing tints of Scott—nor the startling contrasts of Byron—nor the anxious and endlessly repeated touch of Southey—but something which comes much nearer to the soft and tender manner of Campbell, with still more reserve and caution, perhaps, and more frequent sacrifices of strong and popular effect, to an abhorrence of glaring beauties, and a disdain of vulgar resources.

The work opens with a sort of epitome of its subject—and presents us with a brief abstract of man's life as marked by the four great eras of—his birth—his coming of age—his marriage—and his death. This comprehensive picture, with its four compartments, is comprised in less than thirty lines.—We give the two latter scenes only.

' And soon again shall music swell the breeze;
Soon, issuing forth, shall glitter through the trees
Vestures of Nuptial white; and hymns be sung,
And violets scattered round; and old and young,
In every cottage-porch with garlands green,
Stand still to gaze, and, gazing, bless the scene;
While, her dark eyes declining, by his side
Moves in her virgin-veil the gentle Bride.
' And once, alas, nor in a distant hour,
Another voice shall come from yonder tower;
When in dim chambers long black weeds are seen,
And weepings heard where only joy had been;
When by his children borne, and from his door
Slowly departing to return no more,
He rests in holy earth with them that went before.
' And such is Human Life; so gliding on,
It glimmers like a meteor, and is gone!' p. 8—10.

After some general and very striking reflections upon the perpetual but unperceived gradations by which this mysterious being is carried through all the stages of its fleeting existence, the picture is resumed and expanded with more touching and discriminating details. Infancy is thus finely delineated.

' The hour arrives, the moment wished and feared;
The child is born, by many a pang endeared.
And now the mother's ear has caught his cry;
Oh grant the cherub to her asking eye!
He comes———she clasps him. To her bosom pressed,
He drinks the balm of life, and drops to rest.
' Her by her smile how soon the Stranger knows;
How soon by his the glad discovery shows!
As to her lips she lifts the lovely boy,
What answering looks of sympathy and joy!
He walks, he speaks. In many a broken word
His wants, his wishes, and his griefs are heard.
And ever, ever to her lap he flies,
When rosy Sleep comes on with sweet surprise.
Locked in her arms, his arms across her flung,
(That name most dear for ever on his tongue)
As with soft accents round her neck he clings,
And, cheek to cheek, her lulling song she sings,
How blest to feel the beatings of his heart,
Breathe his sweet breath, and kiss for kiss impart;

Watch o'er his slumbers like the brooding dove,
And, if she can, exhaust a mother's love!' p. 19, 20.

This is pursued in the same strain of tenderness and beauty through all its most interesting bearings;—and then we pass to the bolder kindling and loftier aspirations of Youth.

'Then is the Age of Admiration—Then
Gods walk the earth, or beings more than men!
Ha! then comes thronging many a wild desire,
And high imagining and thought of fire!
Then from within a voice exclaims "Aspire!"
Phantoms, that upward point, before him pass,
As in the Cave athwart the Wizard's glass.' &c. p. 24.

We cut short this tablature, however, as well as the spirited sketches of impetuous courage and devoted love that belong to the same period, to come to the joys and duties of maturer life, which, we think, are described with still more touching and characteristic beauties. The Youth passes into this more tranquil and responsible state, of course, by Marriage; and we have great satisfaction in recurring, with our uxorious poet, to his representation of that engaging ceremony, upon which his thoughts seem to dwell with so much fondness and complacency.

'Then are they blest indeed; and swift the hours
Till her young Sisters wreathe her hair in flowers,
Kindling her beauty—while, unseen, the least
Twitches her robe, then runs behind the rest,
Known by her laugh that will not be suppressed.
Then before All they stand—the holy vow
And ring of gold, no fond illusions now,
Bind her as his. Across the threshold led,
And every tear kissed off as soon as shed,
His house she enters, there to be a light
Shining within, when all without is night;
A guardian-angel o'er his life presiding,
Doubling his pleasures, and his cares dividing!
How oft her eyes read his; her gentle mind
To all his wishes, all his thoughts inclined;
Still subject—ever on the watch to borrow
Mirth of his mirth, and sorrow of his sorrow.' p. 32, 33.

Beautiful as this is, we think it much inferior to what follows, when Parental affection comes to complete the picture of Connubial bliss.

And laughing eyes and laughing voices fill
Their halls with gladness. She, when all are still,
Comes and undraws the curtain as they lie,
In sleep how beautiful! He, when the sky
Gleams, and the wood sends up its harmony,

When, gathering round his bed, they climb to share
His kisses, and with gentle violence there
Break in upon a dream not half so fair,
Up to the hill-top leads their little feet;
Or by the forest-lodge, perchance to meet
The stag-herd on its march, perchance to hear
The otter rustling in the sedgy mere;
Or to the echo near the Abbot's tree,
That gave him back his words of pleasantry—
When the House stood, no merrier man than he!
And, as they wander with a keen delight,
If but a leveret catch their quicker sight
Down a green alley, or a squirrel then
Climb the gnarled oak, and look and climb again,
If but a moth flit by, an acorn fall,
He turns their thoughts to Him who made them all.'

p. 34–36.

' But Man is born to suffer. On the door
Sickness has set her mark; and now no more
Laughter within we hear, or wood-notes wild
As of a mother singing to her child.
All now in anguish from that room retire,
Where a young cheek glows with consuming fire,
And Innocence breathes contagion—all but one,
But she who gave it birth—from her alone
The medicine-cup is taken. Through the night,
And through the day, that with its dreary light
Comes unregarded, she sits silent by,
Watching the changes with her anxious eye;
While they without, listening below, above,
(Who but in sorrow know how much they love?)
From every little noise catch hope and fear,
Exchanging still, still as they turn to hear,
Whispers and sighs, and smiles all tenderness
That would in vain the starting tear repress.' p. 38, 39.

The scene, however, is not always purely domestic—though all its lasting enjoyments are of that origin, and look back to that consummation. His country requires the arm of a free man; and home and all its joys must be left for the patriot battle. The sanguinary and tumultuous part is slightly touched; but the return is exquisite; nor do we know, anywhere, any verses more touching, and full of heartfelt beauty, than some of those we are about to extract.

' He goes, and Night comes as it never came!
With shrieks of horror!—and a vault of flame!
And lo! when morning mocks the desolate,
Red runs the river by; and at the gate

Breathless a horse without his rider stands!
But hush!.. a shout from the victorious bands!
And oh the smiles and tears, a sire restored!
One wears his helm, one buckles on his sword.
One hangs the wall with laurel-leaves, and all
Spring to prepare the soldier's festival;
While She best-loved, till then forsaken never,
Clings round his neck as she would cling for ever
'Such golden deeds lead on to golden days,
Days of domestic peace—by him who plays
On the great stage how uneventful thought;
Yet with a thousand busy projects fraught,
A thousand incidents that stir the mind
To pleasure, such as leaves no sting behind!
Such as the heart delights in—and records
Within how silently—in more than words!
A Holiday—the frugal banquet spread
On the fresh herbage near the fountain-head
With quips and cranks—what time the wood-lark there
Scatters her loose notes on the sultry air,
What time the king-fisher sits perched below,
Where, silver-bright, the water-lilies blow:—
A Wake—the booths whitening the village-green,
Where Punch and Scaramouch aloft are seen;
Sign beyond sign in close array unfurled,
Picturing at large the wonders of the world;
And far and wide, over the vicar's pale,
Black hoods and scarlet crossing hill and dale,
All, all abroad, and music in the gale:—
A Wedding-dance—a dance into the night
On the barn-floor, when maiden-feet are light;
When the young bride receives the promised dower,
And flowers are flung, "herself a fairer flower:"—
A morning-visit to the poor man's shed,
(Who would be rich while One was wanting bread?)
When all are emulous to bring relief,
And tears are falling fast—but not for grief:—
A Walk in Spring—Gr*tt*n, like those with thee,
By the heath-side (who had not envied me?)
When the sweet limes, so full of bees in June,
Led us to meet beneath their boughs at noon;
And thou didst say which of the Great and Wise,
Could they but hear and at thy bidding rise,
Thou wouldst call up and question.
'Graver things
Come in their turn. Morning, and Evening, brings
Its holy office; and the sabbath-bell,
That over wood and wild and mountain-dell

Wanders so far, chasing all thoughts unholy
With sounds "most musical, most melancholy,"
Not on his ear is lost. Then he pursues
The pathway leading through the aged yews,
Nor unattended; and, when all are there,
Pours out his spirit in the House of Prayer,
That House with many a funeral-garland hung
Of virgin-white—memorials of the young,
The last yet fresh when marriage-chimes were rung.'

pp. 42-46.

Other cares and trials and triumphs await him. He fights the good fight of freedom in the senate, as he had done before in the field,—and with greater peril. The heavy hand of power weighs upon him, and he is arraigned of crimes against the State.

'Like Hampden struggling in his Country's cause,
The first, the foremost to obey the laws,
The last to brook oppression. On he moves,
Careless of blame while his own heart approves,
Careless of ruin—("For the general good
'Tis not the first time I shall shed my blood.")
On through that gate misnamed, * through which before
Went Sidney, Russel, Raleigh, Cranmer, More,
On into twilight within walls of stone,
Then to the place of trial; and alone,
Alone before his judges in array
Stands for his life: there, on that awful day,
Counsel of friends—all human help denied—
All but from her who sits the pen to guide,
Like that sweet Saint who sate by Russel's side †
Under the Judgment-seat.—But guilty men
Triumph not always. To his hearth again,
Again with honour to his hearth restored,
Lo, in the accustomed chair and at the board,
Thrice greeting those that most withdraw their claim,

* Traitor's Gate, in the Tower.

† We know of nothing at once so pathetic and so sublime, as the few simple sentences here alluded to in the account of Lord Russel's trial.

Lord Russel. May I have somebody write to help my memory?

Mr Attorney General. Yes, a Servant.

Lord Chief Justice. Any of your Servants shall assist you in writing any thing you please for you.

Lord Russel. My Wife is here, my Lord, to do it.

——When we recollect who Russel and his wife were, and what a destiny was then impending, this one trait makes the heart swell almost to bursting.

(The humblest servant calling by his name)
He reads thanksgiving in the eyes of all,
All met as at a holy festival!
—On the day destined for his funeral!
Lo, there the Friend, who, entering where he lay,
Breathed in his drowsy ear " Away, away!
Take thou *my* cloak—Nay, start not, but obey—
Take it and leave me." And the blushing Maid,
Who through the streets as through a desert strayed;
And, when her dear, dear Father passed along,
Would not be held—but, bursting through the throng;
Halberd and battle-axe—kissed him o'er and o'er;
Then turned and went—then sought him as before,
Believing she should see his face no more!' p. 48—50.

What follows is sacred to still higher remembrances.

'And now once more where most he loved to be,
In his own fields—breathing tranquillity—
We hail him—not less happy, Fox, than thee!
Thee at St Anne's so soon of Care beguiled,
Playful, sincere, and artless as a child!
Thee, who wouldst watch a bird's nest on the spray,
Through the green leaves exploring, day by day.
How oft from grove to grove, from seat to seat,
With thee conversing in thy loved retreat,
I saw the sun go down!—Ah, then 'twas thine
Ne'er to forget some volume half divine,
Shakspeare's or Dryden's—thro' the chequered shade
Borne in thy hand behind thee as we strayed;
And where we sate (and many a halt we made)
To read there with a fervour all thy own,
And in thy grand and melancholy tone,
Some splendid passage not to thee unknown,
Fit theme for long discourse.—Thy bell has tolled!
—But in thy place among us we behold
One that resembles thee.' p. 52, 53.

The scene of closing Age is not less beautiful and attractive —nor less true and exemplary.

'Tis the sixth hour.
The village-clock strikes from the distant tower.
The ploughman leaves the field; the traveller hears,
And to the inn spurs forward. Nature wears
Her sweetest smile; the day-star in the west
Yet hovering, and the thistle's down at rest.

And such, his labour done, the calm He knows,
Whose footsteps we have followed. Round him glows
An atmosphere that brightens to the last;
The light, that shines, reflected from the Past,

—And from the Future too! Active in Thought
Among old books, old friends; and not unsought
By the wise stranger—in his morning-hours,
When gentle airs stir the fresh-blowing flowers,
He muses, turning up the idle weed;
Or prunes or grafts, or in the yellow mead
Watches his bees at hiving-time; and now,
The ladder resting on the orchard-bough,
Culls the delicious fruit that hangs in air,
The purple plum, green fig, or golden pear,
Mid sparkling eyes, and hands uplifted there.

At night, when all, assembling round the fire,
Closer and closer draw till they retire,
A tale is told of India or Japan,
Of merchants from Golcond or Astracan,
What time wild Nature revelled unrestrained,
And Sinbad voyaged and the Caliphs reigned;—
Of some Norwegian, while the icy gale
Rings in the shrouds and beats the iron sail,
Among the snowy Alps of Polar seas
Immoveable—for ever there to frieze!
Or some great Caravan, from well to well
Winding as darkness on the desert fell,' &c.

' Age has now
Stamped with its signet that ingenuous brow;
And, 'mid his old hereditary trees,
Trees he has climbed so oft, he sits and sees
His children's children playing round his knees:
Then happiest, youngest, when the quoit is flung,
When side by side the archers' bows are strung;
His to prescribe the place, adjudge the prize,
Envying no more the young their energies
Than they an old man when his words are wise;
His a delight how pure . . . without alloy;
Strong in their strength, rejoicing in their joy!

Now in their turn assisting, they repay
The anxious cares of many and many a day;
And now by those he loves relieved, restored,
His very wants and weaknesses afford
A feeling of enjoyment. In his walks,
Leaning on them, how oft he stops and talks,
While they look up! Their questions, their replies,
Fresh as the welling waters, round him rise,
Gladdening his spirit.' p. 53-61.

We have dwelt too long, perhaps, on a work more calculated to make a lasting, though strong impression on the [illegible] of its

readers—and not, perhaps, very well calculated for being read at all in the pages of a Miscellaneous Journal. We have gratified ourselves, however, in again going over it, and hope we have not much wearied our readers. It is followed by a very striking copy of verses written at Pæstum in 1816—and more characteristic of that singular and most striking scene, than any thing we have ever read, in prose or verse, on the subject. The ruins of Pæstum, as they are somewhat improperly called, consist of three vast and massive Temples, of the most rich and magnificent architecture, which are not ruined at all, but as entire as on the day when they were built, while there is not a vestige left of the city to which they belonged. They stand in a desert and uninhabited plain, which stretches for many miles from the sea to the mountains—and, after the subversion of the Roman greatness, had fallen into such complete oblivion, that for nearly nine hundred years they had never been visited or heard of by any intelligent person, till they were accidentally discovered about the middle of last century.—The whole district in which they are situated, though once the most fertile and flourishing part of the Tyrrhene shore, has been almost completely depopulated by the Mal'aria, and is, in every sense of the word, a vast and dreary desert. The following lines seem to us to tell all that need be told, and to express all that can be felt of a scene so strange and so mournful.

'They stand between the mountains and the sea;
Awful memorials, but of whom we know not!
The seaman, passing, gazes from the deck.
The buffalo-driver, in his shaggy cloak,
Points to the work of magic and moves on.
Time was they stood along the crowded street,
Temples of Gods! and on their ample steps
What various habits, various tongues beset
The brazen gates for prayer and sacrifice!
How many centuries did the sun go round
From Mount Alburnus to the Tyrrhene sea,
While, by some spell rendered invisible,
Or, if approached, approached by him alone
Who saw as though he saw not, they remained
As in the darkness of a sepulchre,
Waiting the appointed time! All, all within
Proclaims that Nature had resumed her right,
And taken to herself what man renounced;
No cornice, triglyph, or worn abacus,
But with thick ivy hung or branching fern,
Their iron-brown o'erspread with brightest verdure!
' From my youth upward have I longed to tread
This classic ground.—And am I here at last?

Wandering at will through the long porticoes,
And catching, as through some majestic grove,
Now the blue ocean, and now, chaos-like,
Mountains and mountain-gulphs, and, half-way up,
Towns like the living rock from which they grew?
A cloudy region, black and desolate,
Where once a slave withstood a world in arms.
The air is sweet with violets, running wild
Mid broken sculptures and fallen capitals;
Sweet as when Tully, writing down his thoughts,
Sailed slowly by, two thousand years ago,
For Athens; when a ship, if north-east winds
Blew from the Pæstan gardens, slacked her course.
The birds are hushed awhile; and nothing stirs,
Save the shrill-voiced cigala flitting round
On the rough pediment to sit and sing;
Or the green lizard rustling through the grass,
And up the fluted shaft with short quick motion,
To vanish in the chinks that Time has made.
In such an hour as this, the sun's broad disk
Seen at his setting, and a flood of light
Filling the courts of these old sanctuaries,
(Gigantic shadows, broken and confused,
Across the innumerable columns flung)
In such an hour he came, who saw and told,
Led by the mighty Genius of the Place!
Walls of some capital city first appeared,
Half razed, half sunk, or scattered as in scorn;
—And what within them? what but in the midst
These Three in more than their original grandeur,
And, round about, no stone upon another?
As if the spoiler had fallen back in fear,
And, turning, left them to the elements.'

The volume ends with a little ballad, entitled 'The Boy of Egremond'—which is well enough for a Lakish ditty, but not quite worthy of the place it holds.

Art. V.—*A Voyage of Discovery, made under the Orders of the Admiralty, in His Majesty's Ships Isabella and Alexander, for the Purpose of exploring Baffin's Bay, and inquiring into the Probability of a North-West Passage.* By John Ross, K. S. Captain Royal Navy. Murray, London, 1819.

The antient connexion of the Basin and the Pole, is well known to that part of the learned world which has devoted itself to the study of our sign-posts, and the head armour of Don Quixote:—and we suppose it is to this venerable association that we are indebted for the happy phrase of the *Po-*

lar Basin, of which it has been our lot to hear so much for the last twelve months.

For our own parts, we have no objection to a Polar Basin—provided only that it can be found. But we cannot be brought to consider it as an article of prime necessity—and do not yet see why we should be out of humour either with Nature or our Navigators, although it should turn out that there was no such thing.—It is curious indeed to see how fashions change—and how little more reasonable we are for all our learning. In the days of Captain Cook, all the world was for a Polar Continent—a Terra Australis;—and yet we do not remember that any body abused that great navigator for failing to discover it, or reporting that it did not exist.—Now, however, the rage is for a Polar Basin—and we think, there are evident symptoms of very ungrateful dissatisfaction with Captain Ross and his associates, because they have exposed themselves to great toils and perils, with the same negative success.—But in truth it is absurd to hold that there can be any want of success in an actual survey of regions previously unexplored—or that it can make any difference to the cause of geographical science, with what substances such regions may be bounded.—It would have been a discovery if Captain Cook had found an Austral Continent, and it would have been a discovery if Captain Ross had found a North-West Passage.—But if it was a discovery in the former to ascertain that there was no such land, it must be equally so in the latter to have ascertained that there is no such passage.—The one found only ice, where his employers hoped he might find land,—and the other found only land, where they had set their hearts upon his finding water.—But both have equally extended our actual knowledge of the globe, and enabled us to determine with precision much that was formerly disputed.

Captain Ross appears to have done his duty with great diligence, courage and ability; and to have told his story very clearly and honestly. But we cannot say that he has made a very interesting or entertaining book of it—or that his voyages are likely to go through as many editions as those of Captain Cook; on the contrary, we must fairly say, that we have found this work very heavy reading, and that it appears to us to be encumbered with details which might very well have been spared. It is our duty, however, to lay before our readers as clear and succinct an account of it as we can.

On the 18th of April 1818, the Isabella and Alexander, the former commanded by Captain Ross, and the latter by Lieutenant Parry, dropped down the river, and, until the 30th of the same month, were occupied in reaching Shetland. The activity of the men of science here burst forth with all the zeal to be expected

from new naturalists, burning to try the temper of their hammers upon Northern rocks, and to stain their maiden nippers in the blood of the first butterfly. The bones of a whale were brought triumphantly on board—as parts of the skeleton of a mammoth.

On the third of May the signal was made for sailing; and here the voyage may be said to have commenced. The first nautical observation of importance, occurred on the 8th of this month, and it serves to nullify the place, if not the existence of Oloff Kramer's bank. This remark is shortly followed by a similar one, on the 'Sunken land of Buss;' in which, also, we infer that Captain Ross is an unbeliever. The first ice was seen on the 26th of May, nearly in the latitude of Cape Farewell. Pennant attempts to describe from others, what he had never seen himself, the singular splendour of colouring, and the infinitude of strange and picturesque forms, which these masses assume. Captain Ross, who, as we understand, was long employed in surveying the White Sea, must have often seen them: But he seems to us to have failed nearly as much as the other; and, indeed, we are persuaded, that the ideas of visible objects, to which there is nothing analogous in ordinary experience, can never be communicated by mere description. Nor has Captain Ross's draftsman made them very palpable to the sense.

Ice was now met with every day, and the weather was found variable, while the ships held their course in a north-westerly direction, towards the entrance of Baffin's Bay, very absurdly called Davis's Strait. Here, on the first of June, a certain memorial of the date and ships' place was committed to the waves in a bottle; a practice resorted to on various other occasions throughout the voyage, for the purpose of ascertaining, in the event of their being afterwards found, the direction and the velocity of the current which sets through the north-west passage, and out of—the Polar Basin.

The temperature at this time was about the freezing point; that of the surface of the water and the air differing by about two degrees. The observations of this nature are very profusely scattered through the Journal; but having been very sensibly brought into one general view in a Table, we shall pay no further attention to them in this sketch of the voyage. On the 4th of June, the first positive decision is made respecting the non-existence of a current; although the bottle, pursuant to orders, is still very properly sent afloat, to sail down the stream of time. The first remarks which have met us on the deviation of the magnetic needle, in consequence of the ship's attraction, are here also made. This fact, as our nautical and philosophical readers know, was originally pointed out by Captain Flin-

ders,—and it appears to have occupied a considerable share of Captain Ross's attention; but as it is treated in some detail in a separate memoir, it may also be passed over for the present. It is more material to observe, that we are here again assured, that *there was no current*; 'which appeared surprising, as the wind had blown for three successive days directly down the strait.' The island of Disco was seen on the 9th of June; but no material observations appear to have been made between this period and the 14th, when the Expedition reached Whale Island,—the usual nautical remarks occupying this portion of the Journal. An important report from the Inspector of the Danish settlement is here quoted; and it seems not a little at variance with the popular belief which preceded, and seems in a great measure to have given birth to, the Expedition. We are there informed, 'that the winter *had been unusually severe*; the sea being frozen near his station early in December, when it was generally frozen only about the middle of February. Love Bay, and Waygatt's Strait, were still frozen: he had been resident in Greenland seven years, and had remarked that the severity of the cold increased.' How are we to reconcile this statement with the breaking up of the polar ice, with cycles of seasons, and the approach of those halcyon days, when every potatoe-field in England shall become a vineyard, and even the John Barleycorn of our native poet give way to native claret and champagne? Even the burning rays of the aurora borealis itself seem, in Inspector Flushe's opinion, to have fallen blunted from the adamantine sea that hemmed in his friends, and compelled them to eat their dogs instead of seals;—which, after all, was no very bad change of diet.

It appears that the Esquimaux can here see the opposite land across the strait in a clear day; an observation afterwards confirmed by the experience of Captain Ross's officers. As the distance cannot be much less than 200 miles, that land must be very high; although much must also be attributed to the effects of horizontal refraction. The height from which the natives see this land cannot exceed 1000 feet, as the hills are rarely accessible to a higher point, by reason of the ice and snow. A current was here observed running south, at the rate of a quarter of a mile an hour: But there is no reason to think that it comes from the Polar Basin. In many cases, these currents appear, from the Journal itself, to be merely the tide-currents, and alter their directions in a few hours, as that changes. In other cases, they are the result of the winds, which, acting on the loose ice, and impelling it forward, the water necessarily follows to fill up the wake, thus producing the superficial and

deceptive appearance of a real current. We are persuaded, (and the results to be deduced from this Journal justify us in that opinion), that the currents, respecting which so much has been said, and which have given rise to so many fanciful speculations, are all of the same nature, and that no permanent or steady current exists in Baffin's Bay.

The sea, on the 17th of June, appeared to occupy the whole visible horizon; and the vessels were made fast, by means of their ice-anchors, to an iceberg, being detained in company with 45 ships employed on the whale fishery. The first important geographical observation respecting the land is here made; and a correction of 5° in longitude, and of 30 miles in latitude, was made in the Admiralty charts. This was to be expected, in consequence of the inadequate means and the inadequate hands from which former positions had been deduced; and, among other important fruits of this expedition to Geography, it will be seen, by consulting the appended chart, that a material change has been made in the position of the land wherever that had formerly been determined, either by dead reckoning, or by observations on the longitude.

After the usual difficulties in working through the ice, the Expedition reached Four Island Point, where a worthy disciple of Dr Spurzheim was found digging for skulls. Here the ships were put into a perilous situation by the motion of the ice; and the Alexander took the ground, but was relieved by the exertions of the crew, and those of some whalers that chanced to be in company. A detail i next given of an outrage committed on the Danish factory, by some sailors from a fishing vessel. We are happy to inform our readers, that the Admiralty very properly interfered after the return of this expedition, and that adequate remuneration has since been made to the injured. To sweeten the remembrance of this injury, a ball was given to the natives, a Shetland Orpheus forming part of the Isabella's establishment, and the Esquimaux interpreter Sackheuse conducting the ceremonial.

'Sackheuse's mirth and joy exceeded all bounds; and, with a good-humoured officiousness, justified by the important distinction which his superior knowledge now gave him, he performed the office of master of the ceremonies. An Esquimaux master of ceremonies to a ball on the deck of one of His Majesty's ships in the icy seas of Greenland, was an office somewhat new; but Nash himself could not have performed his functions in a manner more appropriate. It did not belong even to Nash to combine in his own person, like Jack, the discordant qualifications of seaman, interpreter, draughtsman, and master of ceremonies to a ball, with those of an active fisher of seals, and a hunter of white bears.'

This poor man, after the voyage was terminated, was sent to

this city, with the intention, as Captain Ross informs us in his Introduction, of being again appointed interpreter on the next expedition; and here he unfortunately died. He appears to have combined an unusual degree of intelligence and ingenuity, with much ardour for the acquisition of knowledge; a feature, if we judge from the reports of the Moravians, very prevalent among the Esquimaux of Labrador. He had narrowly escaped with his life, shortly after the ball, by the bursting of his overloaded gun.

The ice, which had so long formed a solid mass, and hitherto impeded the attempts of the expedition to work its way towards the North, began to break up on the 2d of July; and the vessels accordingly moved forward slowly, labouring through narrow and intricate channels, among mountains and loose pieces of field ice. To the westward the ice continued solid; and it soon appeared, that the only chance of effecting a further passage North, consisted in keeping near the shore.

This fact has been generally known to former navigators, as it is to the whalers within the limits of their experience in Baffin's Bay. The cause, however, has not been investigated. On narrowly examining Captain Ross's Journal, it will be found to be connected with the relative depth of water in the several parts of the Bay. Along the shore, the soundings are everywhere deep, ranging from 90 to 450 fathoms on the east side. But whenever, from the openness of the ice, it was possible, and for making way to the north necessary, to stand out into the Bay, the water was gradually found to shoal; averaging, wherever the observations were made, from 80 to 40 fathoms. It will certainly be singular if this extraordinary formation of the bottom should be found to prevail generally in this region. But if it should, it would at once enable us to account for the peculiar direction in which the ice breaks up, and its permanence in the middle of the Bay; where it is also maintained by the grounding of icebergs, in a direction transverse to the Bay, on certain shoals which are noticed in a subsequent part of the Journal. On the 16th, the Isabella seems to have been once more placed in a perilous situation, by being jammed in between two ice-floes, and lifted several feet out of the water.

No occurrence more interesting than the usual difficult progress through the ice, appears to have taken place till the 24th, when the Expedition reached a point, 'beyond which, as far as Cape Dudley Digges, land had not been seen by former navigators;' and here Captain Ross's geographical discoveries may properly be said to commence. The first important observation he made was, that the whales were as numerous and as tame as they were in the days of the Baffins and the Davises. We trust

our whalers will profit by the discovery. The wretched economy prevalent in the victualling of their ships is such, that they are often known to return nearly destitute of provisions; nor can they venture beyond the old beaten track, for fear of the consequences of an accidental detention. His voyage has proved, that even in a season of no peculiar mildness, and after a winter unusually severe, the whole Bay may be circumnavigated within that time in which a whaler may safely return; and that the unexplored parts abound in those fish which have been gradually, and for a long time, becoming scarce in the more frequented parts of this sea. Another remark may be made on the tameness of these whales. They appear never to have been disturbed, showing no fear of the ships or of the boats; a proof that they do not range far, though harpooned whales have been supposed to pass through the north-west passage from Spitzbergen into Baffin's Bay.

Here probably originated the thoughts of a passage towards the north and north-east round Greenland; although no direct intimation of this is given in the Journal. Probably Captain Ross may have suppressed his opinion on this head; as, by his instructions, he is directed to explore this part of the coast, after he had examined the eastern shore of America; rather a singular mode of proceeding, as he was to return for that purpose through the very route he had passed, when even the whole season was barely sufficient to carry him to Cumberland Straits: But these are points in navigation beyond the limits of our acquaintance on this subject, and we must leave the adepts in this science to settle it among them. Our judgment respecting his opinion, is founded on the description of high mountains of land and ice to the east of Melville Bay, forming an impassable barrier.

On the 7th of August the vessels experienced a severe gale of wind, and were in extreme danger. We shall give the description in Captain Ross's own words.

'A floe on one side of the Isabella appeared to be fixed, while another, with a circular motion, was passing rapidly along. The pressure continuing to increase, it became a trial of strength between the ship and the ice; every support threatened to give way; the beams in the hold began to bend, and the iron tanks settled together. At this critical moment, when it seemed impossible for the ship to sustain the accumulating pressure much longer, she rose several feet; while the ice, which was more than six feet thick, broke against her sides, curling back on itself. The great stress now fell upon her bow, and, after being again lifted up, she was carried with great violence towards the Alexander, which ship had hitherto been, in a great measure, defended by the Isabella. Every effort to avoid their getting foul of each other failed; the ice-anchors and cables broke one

after another, and the sterns of the two ships came so violently into contact, as to crush to pieces a boat that could not be removed in time. The collision was tremendous, the anchors and chain-plates being broken, and nothing less expected than the loss of the masts: but, at this eventful instant, by the interposition of Providence, the force of the ice seemed exhausted; the two fields suddenly receded, and we passed the Alexander with comparatively little damage. The last things that hooked each other were the two bower anchors, which, being torn from the bows, remained suspended in a line between the two ships, until that of the Alexander gave way.'

By this, as well as by the circumstance formerly mentioned, it appears, that the Isabella had been better adapted to the ice than was originally supposed; and that to her unusual strengthening she was indebted for the escape she had made.

On the cessation of this gale, land was seen; and the first discovery was made of that colony of Esquimaux, respecting which the public has already heard nearly all that Captain Ross has to say; and to whom he has given, with somewhat of national affection, the name of Arctic Highlanders. By the intervention of the Esquimaux interpreter, a communication was soon established, which was maintained at intervals for six days; when the opening of the ice, and the positive nature of his instruction on the main object of the expedition, compelled him to take leave of Prince Regent's Bay. Captain Ross informs us these Esquimaux conceived the ships to be living and flying creatures; a much more natural mistake where whales are familiar objects, than in many other situations where we understand it to have occurred. During the conversation which was held with the interpreter Sackheuse, 'I had been employed' (Captain Ross states) 'with a good telescope, in observing their motions; and beheld the first man approach with every mark of fear and distrust, looking frequently behind to the other two, and beckoning them to come on as if for support. They occasionally retreated, then advanced again with cautious steps in the attitude of listening, generally keeping one hand down by their knees, in readiness to pull out a knife which they had in their boots; in the other hand they held their whips with the lash coiled up; their sledges remained at a little distance, the fourth man being apparently stationed to keep them in readiness for escape. Sometimes they drew back the covering they had on their heads, as if wishing to catch the most distant sounds; at which time I could discern their features, displaying extreme terror and amazement, while every limb appeared to tremble as they moved.' They were requested to cross a chasm which separated them from the interpreter, by a plank; but 'appeared still much alarmed, and requested that Sackheuse only should come over; he accordingly passed to the opposite side, on which they earnestly besought him not to touch them, as, if he did, they should certainly die. After he had used many arguments to persuade them that he

was flesh and blood, the native who had shown most courage, ventured to touch his hand; then pulling himself by the nose, set up a shout, in which he was joined by Sackheuse, and the other three. The presents were then distributed, consisting of two or three articles of clothing, and a few strings of beads. After which, Sackheuse exchanged his knife for one of theirs.'

Captain Ross and Lieutenant Parry then went on the ice; and, 'by the time they reached it, the whole were assembled; those who had originally been left at a distance with their sledges, having driven up to join their comrades. The party now, therefore, consisted of eight natives, with all their sledges, and about 50 dogs, two sailors, Sackheuse, Lieutenant Parry, and myself; forming a groupe of no small singularity, not a little increased, also, by the peculiarity of the situation on a field of ice far from the land. The noise and clamour may be easily conceived, the whole talking and shouting together, and the dogs howling, while the natives were flogging them with their long whips to preserve order.'—'Our arrival produced considerable alarm, causing them to retreat a few steps towards their sledges; on this, Sackheuse called to us to pull our noses, as he had discovered this to be the mode of friendly salutation with them. This ceremony was accordingly performed by each of us, the natives during their retreat making use of the same gesture, the nature of which we had not before understood.'—Presents were then made, and, 'on seeing their faces in the glasses, their astonishment appeared extreme, and they looked round in silence, for a moment, at each other, and at us: Immediately afterwards they set up a general shout, succeeded by a loud laugh, expressive of extreme delight, as well as surprise, in which we joined, partly from inability to avoid it, and willing also to show that we were pleased with our new acquaintances.' Confidence shortly after became established, and uncovering of heads was substituted for pulling of noses; the natives appearing to comprehend the nature of this ceremony, more quickly than the seamen did the other, and probably not considering it a much more reasonable, although a more inconvenient testimony of respect. They were then invited to the ship, to which one of them thought proper to address a speech, 'pausing between every question, and pulling his nose with the utmost solemnity.' All the wonder to be expected was here excited: but the quantity of the wood and iron appeared to be the chief objects of surprise.

'Their knowledge of wood seemed to be limited to some heath of a dwarfish growth, with stems no thicker than the finger, and accordingly they knew not what to think of the timber they saw on board. Not being aware of its weight, two or three of them, successively, seized on the spare top-mast, evidently with the view of carrying it off; and as soon as they became familiar with the people around them, they showed that desire of possessing what they admired, which is so universal among savages. The only thing they looked on with

contempt was a little terrier dog,—judging, no doubt, that it was too small for drawing a sledge; but they shrunk back, as if in terror, from a pig, whose pricked ears, and ferocious aspect, being of the Shetland breed, presented a somewhat formidable appearance. This animal happening to grunt, one of them was so terrified, that he became from that moment uneasy, and appeared impatient to get out of the ship. In carrying his purpose into effect, however, he did not lose his propensity to thieving, as he seized and endeavoured to carry off the smith's anvil; finding that he could not remove it, he laid hold of the large hammer, threw it on the ice, and, following it himself, deliberately set it on his sledge, and made off.'

The intercourse with the natives was interrupted for two days by a gale of wind, but renewed on the 13th of August, and continued to the 16th, when, the ice having opened, Captain Ross 'felt it his duty, to quit this position, and to pursue without loss of time the main object of the expedition.' The tract here called the Arctic Highlands, occupies a space of 120 miles on the shore, and of about 20 in breadth, being cut off from the surrounding land, by impassable mountains. As the officers, at the time they originally landed, did not proceed far beyond the beach, nothing definite is given respecting the nature of the country or its produce, except the little that could be collected from the reports of the natives. The most important article of this is the native iron, from which, by means of sharp stones, they procure fragments, which being flattened, are inserted in a handle of sea unicorns' horns, thus forming very tolerable knives. It is ascertained to contain nickel, and therefore conjectured to be of meteoric origin. Game, consisting probably of some species of tetrao and hares, were said to be abundant, as well as black foxes, a fur, of which the value is considerable—as, at the moment we write, it is selling at 20 guineas per skin, undressed, at the brokers' sales. It is imagined also that a commerce in sea ivory might be established; and the abundance of whales forms a legitimate temptation to extend the fishery thus far.

Their language is a dialect of the Esquimaux; and a parallel vocabulary, of small extent, is given in the Journal; and there is a speculation on the origin and connexions of these tribes, from which we learn nothing. In persons, manners and dress they differ little from the Southern Esquimaux; but the number of the natives could not be discovered. It is imagined by Captain Ross that they have no idea of a spirit, good or evil, and that their conjurors or angekoks, are merely a superior order of jugglers, serving their apprenticeship regularly to the business, and like the Lapland wizards, capable of bottling a storm in a night-cap. The habitations are partly sunk under ground, as is usual in these arctic regions, and the fire and light for all pur-

poses is a wick of moss dipped in oil. That oil, and the flesh of the sea unicorn, seem to constitute their chief articles of food, but their diet appeared to be purely animal, as it was believed they had no esculent vegetable substance, and rejected with disgust that which was presented to them on board the ship. In their dog sledges, their aversion to walking, and other general habits, they resemble all the tribe, and they appeared contented and well fed.

In one respect they showed a very decided mark of civilization, by which, no less than by the sight of a gibbet, a stranger might determine that he had arrived at a civilized country: —They have a king, to whom they pay taxes. He is, however, 'strong, very good, and very much beloved:'—some compensation, assuredly, for a gabelle of train-oil, or a poll-tax on sea unicorns. Another essential mark of civilization is, however, wanting;—they have no war: And there is yet a fact perhaps still more surprising;—they are utterly unacquainted with any mode of going on the water, and appeared never even to have heard of a canoe.

On leaving this colony, the Expedition reached what Captain Ross calls the 'last barrier of ice,' and 'for the first time saw the sea wash the rocks.' Baffin's sight of the land had terminated before he came near this place; nor did he again see the shore until he was near Cape Dudley Digges.

We think we can deduce, from various observations in the Journal, that this barrier is formed by a multitude of icebergs, aground on a bottom of about 40 fathoms in depth. By means of these, the motions of the field ice is checked, and a solid body is thus generated, which remains to so late a period in the year as to impede the attempts of vessels, which are generally ready to make the attempt before the thaw is sufficiently established. The drifting of the ice by the north-west winds, from the upper and wider parts of the bay, causes the loose ice to settle and consolidate in this manner, not only on this shoal, but on the general line of shallow water that runs parallel to the east side of the bay; and it is probable, that at the season at which this barrier was passed, a passage into the Bay might have been effected in many other places to the southward, where, at an earlier period, it had been found impassable.

The velocity of the tide was about one mile in the hour, the ebb to the eastward: the water was deep, and no indication of any other current is mentioned. It appeared that foxes of various colours, black, white, and red, were found on the shore at this place;—to which the name of Cape York is given.

To the north of this point, a considerable tract of ice or snow

was found, stained of a dark crimson colour, to the depth of 10 or 12 feet. On examination, the colouring matter was found to consist of minute globular particles; and a portion was brought home for examination. In the Appendix, the result of that examination, by Dr Wollaston, is stated; and he is strongly inclined to think the red matter consists 'of minute globules, from $\frac{1}{7000}$ to $\frac{1}{3000}$ of an inch in diameter. I believe their coat to be colourless, and that the redness belongs wholly to the contents, which seems to be of an oily nature, and not soluble in water, but soluble in rectified spirits of wine. When the globules are highly magnified, and seen with sufficient light, they appear to be internally subdivided into about 8 or 10 cells. They bear to be dried with the heat of boiling water, without loss of colour; by destructive distillation they yield a fetid oil, accompanied with ammonia, which might lead to the supposition that they are of animal origin; but since the seeds of various plants also yield this product, and since the leaves of Fuci also yield ammonia by distillation, I do not discover any thing in the globules themselves which shows distinctly from what source they are derived. I find, however, along with them, a small portion of cellular substance, which has not only these globules adherent to its surface, but also contained in its interior; and this substance, which I must therefore consider of the same origin with them, appears by its mode of burning to be decidedly vegetable, as I know of no animal substance which so instantly burns away to a white ash as soon as it is heated to redness.'

We have only to add to this statement, that, from portions of this matter which have arrived in this city, the smell at present is that of a mixture of fish oil and drying oil, with something peculiarly offensive superadded. No further light can of course at present be thrown on this curious subject.

On the 17th of August, Cape Dudley Digges was made, and found to agree with the description given of it by Baffin. The inlets were everywhere filled with solid ice; and the interior country presented a range of high mountains covered with snow. Here an opportunity was also afforded of witnessing the origin of the iceberg; and a plate of the object is given. The country was inhabited even here, as huts were to be distinguished. It was concluded to be Petowack, the capital of the Arctic Highlands. We are here treated, 'en passant,' with a remark on the substitution of food for sleep. We have often heard of a much cheaper substitute, that of sleep for food. We do not [illegible] whether the physicians of this Æsculpian city will consider Captain Ross's theory as a good one, or whether they have a better to propose; but of this we are sure, that it was a strong mark of the good will and perseverance of his crew, and of the excellent discipline which he appears to have maintained among them.

It at any rate seems to prove the superiority of the human animal to all others, and to show the effect of mental energy in stimulating muscular exertion; and, what is more extraordinary, in suspending the exhaustion which in other cases would follow its excess.

The passage of Wolstenholme Sound occupied the 18th of August, and Carey's Islands were seen, still further confirming the accuracy of Baffin; to whose memory, if we may judge from some incidental remarks of this nature throughout the Journal, and a passage of a much more decided nature in the introduction, Captain Ross pays a late, but a well merited, tribute of respect. An attempt was now made to find the north-west passage in Whale Sound; 'but we were soon convinced that there was no navigable passage in that direction.' We presume that this judgment must have been formed from the Sound being full of solid ice, and from the height and form of the land beyond; but here Captain Ross has unfortunately left us in the dark. We do not ourselves believe there is a possibility of a passage through Whale Sound; but it was incumbent on Captain Ross to have stated his reasons for his conviction. We have not however heard, that, out of the numerous projects for a north-west passage, invented since his return, this one has been proposed; and we therefore conclude, that the warmest advocates of the Polar Basin are equally 'convinced.'

After passing Hackluyt's Island, Smith's Sound was made, of which Baffin appears also to have had a view. Captain Ross conceived the bottom of it as being 18 leagues distant, and gave names to the two Capes. The soundings here gave a depth of 190 fathoms, while the floating of large icebergs also proved that the water was generally deep.

A general opinion has, we believe, been entertained, that the depth of the soundings near the land, afforded indications of the expected passage; and as this question often arises in the course of the Journal, it is proper to inquire on what it is founded. We have already seen, that the depth along shore, even within three miles of that land which is unquestionably continuous, reaches to 455 fathoms, while, in the middle of the Bay, it is only *one hundred.* It is further proved by other observations scattered through the course of the narrative, that the bottom is in various parts of the Bay exceedingly irregular and mountainous; circumstances which preclude all possibility of coming to a conclusion on this subject in favour of a passage in any particular inlet. On the coast of Norway, there are no soundings in 200 fathoms, and the river Kola in Lapland is equally deep; so that no argument appears capable of being founded on the depth of water. Moreover, in Behring's

Straits, where *there is a passage*, there are but 28 fathoms; and, in the entrance of the White Sea, but nine. We may also remark, that in Lancaster Sound, and in all the other deep bays to the north, the fragments brought up by the sounding line were sharp, having undergone no motion; whereas, about Disco, where the constant motion of the ice, the tides, and the winds, cause a perpetual current in alternate directions, the gravel at the bottom is all rounded. In the northern bays, the ice breaks and floats away, and the water at the bottom remains at rest; a circumstance which could not happen, if a passage or current existed through them.

The soundings throughout this voyage present a new feature in nautical practice, and form a valuable addition to the discoveries of our navigator. For these we are indebted to the great attention he has bestowed on this subject, by which he has proved, that, with proper care, it is as easy to reach the bottom at 1000 fathoms as it was formerly esteemed to be at 100. By an ingenious instrument, also of his own invention, he has succeeded in bringing from the bottom the materials which the common deep-sea lead often failed to do from a tenth part of that depth, by means of which, not only the materials, but even the temperature of the water is ascertained; the non-conducting property of the water preventing the communication of the temperature above to the mud contained in the forceps of his machine.

On the 20th of August, it was found impossible to get further north, in consequence of the ice; and a solid mass was found reaching across that bay, which forms the northernmost part of Baffin's Bay. As this bay is yet unnamed, it is but common justice to our navigator to give it the name of Ross's Bay. The rise of the tide was here four feet, and the flood set to the north; but the velocity was diminished to half a knot in the hour.—At this part of his Journal, Captain Ross thinks it necessary to recapitulate the particulars on which his conviction, that no passage exists in this place, is founded; circumstances which appear equally to have afforded conviction to his officers, who 'were satisfied that they had seen the land all round this bay at different times,' as did also the officers of the Alexander, who were at the mast-head of that ship at the same time. They are sufficient to satisfy us that there is no passage through Ross's Bay; and we shall, instead of quoting them, refer our readers to that part of the Journal. We shall, however, insert the concluding passage, as it is equally applicable to other cases where this problematical passage may still be supposed to exist. 'Even if it be imagined that some narrow strait may exist through these mountains, it is evident that it must

for ever be unnavigable, and that there is not even a chance of ascertaining its existence, since all approach to the bottom of these bays is prevented by the ice which fills them to so great a depth, and appears never to have moved from its station.' p. 153.

On quitting the northernmost point which the expedition had thus reached, the vessels proceeded to explore Jones's Sound, the next inlet where the passage in question might be expected. This bay was also filled with ice of a peculiarly solid nature, and of a green colour; the land appearing bare of vegetation: Few birds were seen, no whales, nor any animal, except seals, which were abundant. The depth of water was 110 fathoms. Here also it was ascertained, that 'a ridge of very high mountains extended nearly across the bottom of the bay, joining to another from the south not quite so high.' Being satisfied that there could be no passage here, the vessels stood to the southward. At this place a piece of fir was picked up, with the mark of the plane and adze on it, and containing nails. Captain Ross thinks it had drifted up the bay by the southerly winds: he seems to forget the shorter road it might have had, like the harpooned whales, from the White Sea, or the west coast of America, through the Polar Basin and Jones's Sound; or Lancaster Sound;—'tis all one. We must here remark, that this is the only piece of driftwood that was found in the bay. A good deal of stress has been laid on the subject of driftwood coming from the Polar Basin, between Spitzbergen and Greenland, or through the North-west Passage down 'Baffin's Sea,' after having made the voyage of Behring's Straits, and, for aught we know, that round Cape Horn also, from the Bay of Honduras. 'Inconsequentia rerum fœdissima.' We have inquired of our nautical friends respecting these occurrences. Admiral Lowenorn's theory of the specific gravity of floating mahogany, which is too heavy to float, and of which the specific gravity is diminished by its being perforated, is no doubt very philosophical; but we must say, that we think the plain and vulgar supposition of the loss of a ship, or the washing overboard of a few planks, is a more natural solution of the phenomena.

On the 24th of August, the sun set to our navigators for the first time—terminating a day of '1872 hours,' as it is here stated; 'and giving them warning of the approach of a long and dreary winter.' The land surrounding Jones's Sound was repeatedly seen at the same time; the ice was much heavier and more compact. On the 28th of August, the fogs, which had been found very prevalent for some days, began to be of serious inconvenience, as the nights also became dark; but at several times, the land was traced to the latitude of 75° 27′, presenting

ridges of very lofty mountains: The coast, however, being defended by ice, it could not be approached within five leagues. The sea to the eastward was at the same time entirely clear of ice. The mountains were estimated at 4000 feet, (it is not easy to conjecture upon what grounds), and were but partially covered with snow; black rocks protruding at their summits; their sides, near the foot, were equally clear; and our navigators considered this part of the coast as habitable. The soundings were found to reach from 200 to 240 fathoms, pretty regularly for a considerable space.

On the 29th, the ships continued standing towards the most distant land, which was indistinctly seen at half past five in the afternoon from south to north-west. During this progress, the temperature of the surface water increased from 32° to 36°. This is very properly attributed to the vessels having quitted the ice, in the vicinity of which the freezing temperature is naturally maintained. A wide opening appeared here, between a cape, called Cape Charlotte, and a more distant land, which, after some tacking, the Isabella was enabled to stand in for, to explore; and on the 30th of August, the northern side of the land in this opening was seen 'extending from west to north in a chain of high mountains covered with snow.' A yellow sky, without land, was also seen 'between west and south-west,' with the water clear of ice; the opening taking the appearance of a channel, which was 'judged to be 45 miles;' (wide) we suppose. But here we are, as usual, left to our conjectures respecting the opinion Captain Ross might have formed on the subject of this channel, and the feelings of hope or doubt with which he may have been agitated in arriving at a point, which, to say the least, gave the strongest indication that had yet been found of a north-west passage.

In the afternoon of the same day, 'the wind having obliged them to stand to the south side, they had arrived at the most magnificent chain of mountains which they had ever beheld.' The rocks of the summits, in these also, protruded beyond the covering of snow. 'The rest of the day was spent in beating to the westward; all sail was carried, and every advantage taken of the changes in the direction and strength of the wind. As the evening closed, the wind died away,—the weather became mild and warm,—the water much smoother, and the atmosphere clear and serene. The mountains on each side of the Strait, being clear of clouds, had beautiful tints of various colours. For the first time we discovered that the land extended from the south two-thirds across this apparent Strait; but the fog which continually occupied that quarter, obscured

its real figure. During this day, much interest was excited by the appearance of this Strait;' but the general opinion was, that it was only an inlet; and, by anticipating a few pages of the narrative, we find that it was the Lancaster Sound of Baffin, the latitude being here found to coincide with that given in his account.

'Soon after midnight the wind began to shift, and the ship came gradually up, enabling us to stand directly up the bay: I, therefore, made all sail, and left the Alexander considerably astern. At a little before four o'clock A. M., the land was seen at the bottom of the inlet by the officers of the watch; but before I got upon deck, a space of about seven degrees of the compass was obscured by the fog. The land which I then saw was a high ridge of mountains, extending directly across the bottom of the inlet. This chain appeared extremely high in the centre, and those towards the north had, at times, the appearance of islands, being insulated by the fog at their bases. Although a passage in this direction appeared hopeless, I was determined completely to explore it, as the wind was favourable; and, therefore, continued all sail. At eight the wind fell a little, and the Alexander being far astern I sounded, and found six hundred and seventy-four fathoms, with a soft muddy bottom. There was, however, no current, and the temperature of the mud was 29½°. Soon after this the breeze freshened, and we carried all sail, leaving the Alexander, and steering directly up the bay. The weather was now variable, being cloudy and clear at intervals. Mr Beverley, who was the most sanguine, went up to the crow's-nest; and, at twelve, reported to me, that before it came thick, *he had seen the land across the bay, except for a very short space.* Although all hopes were given up, even by the most sanguine, that a passage existed, and the weather continued thick, I determined to stand higher up, and put into any harbour I might discover, for the purpose of making magnetical observations. Here I felt the want of a consort, which I could employ to explore a coast, or discover a harbour; but the Alexander sailed so badly, and was so leewardly, that she could not safely be employed on such a service. During this day we shortened sail several times, to prevent our losing sight of her altogether. As we stood up the bay, two capes on the south side were discovered, one of which I named after the Earl of Liverpool; and the land was named Cape Hay, which formed the boundary on one side of Catherine's Bay before mentioned.

'About one, the Alexander being nearly out of sight to the eastward, we hove to for half an hour, to let her come up a little; and, at half past one, she being within six or seven miles of us, we again made all sail. I intended to have sounded during this interval, but I found the south-east swell had so much increased, and the drift was so great, that it was impracticable.

'At half past two there were some hopes of its clearing, and I left orders to be called on the appearance of land or ice ahead. At three, the officer of the watch, who was relieved to his dinner by Mr

Lewis, reported, on his coming into the cabin, that there was some appearance of its clearing at the bottom of the bay: I immediately, therefore, went on deck, and soon after it completely cleared for about ten minutes, *and I distinctly saw the land, round the bottom of the bay,* forming a connected chain of mountains with those which extended along the north and south sides. This land appeared to be at the distance of eight leagues; and Mr Lewis, the master, and James Hay, leading man, being sent for, they took its bearings, which were inserted in the log; the water on the surface was at temperature of 34°. At this moment I saw also a continuity of ice, at the distance of seven miles, extending from one side of the bay to the other, between the nearest cape to the north, which I named after Sir George Warrender, and that to the south, which was named after Viscount Castlereagh. The mountains, which occupied the centre, in a north and south direction, were named Croker's Mountains, after the Secretary to the Admiralty. The south-west corner, which formed a spacious bay, completely occupied by ice, was named Barrow's Bay, and is bounded on the south by Cape Castlereagh, and on the north by Cape Rosamond, which is a head land, that projects eastward from the high land in the centre. The north corner, which was the last I had made out, was a deep inlet; and as it answered exactly to the latitude given by Baffin of Lancaster Sound, I have no doubt that it was the same, and consider it a most remarkable instance of the accuracy of that able navigator. At a quarter past three, the weather again became thick and unsettled; and being now perfectly satisfied that there was no passage in this direction, nor any harbour into which I could enter, for the purpose of making magnetical observations, I tacked to join the Alexander, which was at the distance of eight miles; and having joined her a little after four, we stood to the south-eastward.' The temperature of the mud was here found to be 29°; and no indication of a current was observed.

As we had heard that undoubted indications of a passage through Lancaster Sound existed, and indeed that the expedition now fitting out was intended almost entirely for the purpose of exploring it, we were rather surprised at the positive manner in which the non-existence of the passage is here stated, and of the apparent force of the evidence brought forward. It is not for us to reconcile the doubts of those who disbelieve, with the testimony of those who have seen; but we must say, that our 'just indignation at confident nonsense,' to use the words of Tillotson, strongly tempts us to drop the subject altogether, and to accompany our navigator throughout the very little interesting matter that now remains in his Journal.

Quitting Lancaster Sound, the Expedition proceeded to the southward, passing two more inlets, 'which were filled with large glaciers of ice, and quite impenetrable.' It is here re-

marked, and indeed in many other places, that wherever there was a head sea, the vessels made very little way, being very bad sailers, particularly the Alexander—from whose bad sailing, however, Captain Ross seems to have derived an advantage, namely, that of surveying the coast, while detained by her tardy progress; an attempt which the lateness of the season, and the nature of his instructions, would otherwise have rendered improper. There is much cause to regret, that more attention is not paid in those departments of our service, where no ability can be supposed wanting, to circumstances on which the very fate, no less than the efficacy, of such expeditions must depend. In exploring a coast, nothing can be more obviously necessary than an active vessel, of a light draught, quick in sailing, and ready in working, so as to be fearless of the dangers of a lee-shore. Where so much also, as in this instance, was required to be done in so little time, quick sailing was a property most essentially necessary. It is not for us to imagine where the fault lies; but it is obvious, that no one can be so competent to select the vessel for such a purpose, as he whose business it is to command it, particularly if his previous knowledge of that particular navigation should have entitled him to speak with authority.

An uninterrupted chain continued to extend along this coast to the southward, connected with the ridge formerly observed in the bay. No bottom was found in 550 fathoms, the same general character as on the east side of the Bay appearing here also to prevail.

On this evening, as we are informed, there being a thick fog, the compasses all ceased to act. The effect of a humid atmosphere, in increasing the deviation, or, in other words, in diminishing the more remote action of the magnetic centre on the needle, is frequently mentioned during the progress of the voyage. It is a remarkable fact in the history of magnetism; but, though hitherto little noticed, it has been recorded before. In James's voyage, we find the following passage. 'At night the fog was of so piercing a nature, as to spoil all our compasses, and make them flag so heavy withal, that they would not traverse; wherefore I would advise any that shall sail this way hereafter, to provide compasses of Muscovy-glass, or some other matter that will endure the moisture of the weather.' James's theory is more distinct, than his remedy is unavailing; as the needle is secured from the immediate contact of the 'piercing fog' in all compasses. It is impossible, in the present state of our information, to propose any thing on this subject, of which, indeed, in all its details, we have so little accurate knowledge;

but it is well worth the attention of philosophers. The nature of the expedition, and the want of persons with leisure and ability to make these and many other experiments in the physical sciences, is but too evident in every page of the narrative.

On the 5th of September, another bay was found to the southward, here called Pond's Bay, which was occupied by a long glacier extending a considerable way into the sea. It was therefore impenetrable; but though, from a species of carelessness not unusual throughout the narrative, we are left to our own conjectures, whether the north-west passage may not exist here, on consulting the appended drawings of the land, it is apparent, that the high mountainous ridges already described, occupy the whole of the shore. At noon, being abreast of Cape Macculloch, another bay was seen filled in the same manner with ice; and again a second, called Coutts's Inlet; the same mountainous ridges occupying the interior country. At sunset, 'we had run down above 70 miles of the coast; and I was completely satisfied there could be no passage between latitude 73° 33′ and 72°: This coast nowhere appeared to be inhabited.

'On the following day, it being quite calm, and the water smooth, we sounded with the deep-sea clamms, and found one thousand and fifty fathoms, which were the deepest soundings we ever reached in Baffin's Bay. As we had only one hundred and twenty fathoms fifteen miles further north, it is evident that the bottom of the sea, like the land, must here be very mountainous. The mud at the bottom was so extremely soft, that the instrument sunk completely into it, and considerable force was required to draw it out. The sea being a dead calm, the line became perfectly perpendicular; and we had a good opportunity of obtaining the exact depth before it started out of the ground. The instrument came up completely full, containing about six pounds of mud, mixed with a few stones and some sand. Although this mud was of a substance to appearance much coarser than that which we had before obtained, it was also of a much looser nature, and had in it no insects or organic remains; but a small star-fish was found attached to the line below the point marking eight hundred fathoms. The instrument took twenty seven minutes to descend the whole distance. When at five hundred fathoms, it descended at the rate of one fathom per second; and when near one thousand fathoms down, it took one second and a half per fathom. Although the check the instrument made to the motion of the line when it struck the bottom was evident to all, I wished to put the fact beyond doubt; and, for this purpose, I set the instrument so nicely, that the least resistance at the bottom would make it act; and having attached the self-registering thermometer to it, I let it down first to five hundred fathoms, and in the same manner to six hundred, seven hundred, eight hundred, and a thousand, in succession; each time it came up empty, and the thermometer each time

a lower temperature; proving clearly that the water was colder as it became deeper, and also indicating that the instrument had *not* reached the bottom, even as far as the depth of one thousand and five fathoms. It occupied one hour for all hands to pull it up from that depth.'

In running further to the southward, the land continued to be traced to the latitude of 71° 22′, where it had not been seen by former navigators; and the name of North Ayr is given to a tract never before described. It is remarked, that at this place the mountains near the shore assumed a new character; 'being more detached, of a rounder shape, and the tops less covered with snow.' The formality of taking possession was next executed on a spot about a degree to the southward; and traces of inhabitants were then, for the first time, found on this coast. The remains of a habitation, with a fire-place, a human skull, and other marks of civilization being visible. This territorial acquisition to the empire will not probably be considered by the Colonial Department as a very interesting result of Captain Ross's voyage.

The hopes of discovering the north-west passage, seem in this part of the narrative to be hourly diminishing; as we read of nothing but bays filled with glaciers, and of high land backing the whole coast, which was always seen during the operations of standing in and out, according to the state of the wind and weather, in such a manner as to leave no doubt of the continuity of the coast being every where distinctly traced.

A very large iceberg was driven to the southward of Bruce's Bay, as given in this chart; and its measurements are described, together with the attack of a bear: it was aground in 61 fathoms. A notion has been entertained that such mountains of ice had the peculiar property of moving with vast rapidity against the wind, breaking through and quitting the fields of ice in which they were insulated. Hence it has very properly been concluded, that they were moved by some invisible force—which could of course be none other than *the current* running out, or into, the north-west passage, it is indifferent which. Now it would be very proper to ascertain, by what means Fabricius, who appears to be the authority for this belief, ascertained the existence of an under current capable of producing this effect; or how he determined that the berg, and not the field ice, was in motion. We have taken the trouble to make some inquiries among our most intelligent navigators who frequent Davis's Strait, and we find no authority in support of this fancy. The fact is, that the field ice, which is afloat, quits the berg, which is aground; and as the most conspicuous body is always

conceived to be that in motion, Fabricius, who knew less of the sea than he did of butterflies, imagined that the mountain was sailing against the wind, when the field was sailing before it. These mountains have been found aground in 300 fathoms; but that is not near the limit at which they are known to lie. It is a moderate computation for solid ice, to allow a fathom under water for a foot above; and as icebergs have been seen 600 feet above the surface, they must have been aground in as many fathoms, when Fabricius imagined them afloat.

On the 13th of September, the Expedition stood out 120 miles into the bay, which was then clear of ice; 'that which had filled it in the commencement of the voyage having disappeared.'—'It was thus ascertained, that no land existed in the channel of Davis's Strait, about the latitude of 70° 40′, and consequently, that there is no such land as James's Island, which is laid down in most of our charts.' The origin of this island, which Captain Ross's voyage has thus expunged from the charts, appears to exist in an error founded on the inaccurate position given to the land on the opposite side of Davis's Strait. In these charts, Queen Anne's Cape is laid down in the longitude of 51° nearly, and Cape Walsingham in 68°. As the real longitude of the former is about 54°, and that of the latter 60° 45′, it is probable that vessels taking their departure from the east side of the Strait, and making the opposite land, at the distance of 170 miles, instead of 400 which it was supposed to be, had mistaken Cape Walsingham, or some other part of the land, for an island.

On the 15th, the Expedition continued running along the land, which still presented mountains not less high, or less covered with snow, than before; and two banks were discovered, having not more than 18 fathoms water on them. These shoals, it is probable, extend across the whole bay to Waygatt Island, where a similar reef exists. That is deducible from the solid barrier of ice which was found in this direction, in proceeding northwards, and from the icebergs being still aground upon it on each side, at their return; all the field ice being melted away. This barrier of grounded icebergs, like that at Cape York before mentioned, appears to be in part the cause of the detention of the ice in the upper part of the bay to a late season; the field ice being incapable of drifting southwards in consequence of this blockade. The vessels were busy till the 18th, in tracing the land which Davis had seen before, and in naming the capes and bays which he had omitted; but the most important part of the observations consisted in determining the longitudes with a greater degree of accuracy.

From the 18th to the 21st, the ships continued to beat to the southward, and on that day stood so far across the bay, as again to make the land on the eastern side of it, near Queen Anne's Cape: The depth was forty fathoms; confirming the observations formerly made respecting the shallowness of the water in Baffin's Bay. Mount Raleigh was found to agree precisely with Davis's latitude; but, as usual, differing materially in longitude, as will be obvious on inspecting the chart. It appeared of a pyramidal form to our navigators, and is considered exceedingly high; and, from the comparison of the longitudes which is here made, the breadth of Davis's Strait in this place is estimated at 160 miles.

The weather had now become so far unsettled, that gales of wind were frequent; materially impeding the progress of the ships, and particularly that of the Alexander, which appears to have combined all the properties of a bad sailer. The usual remarks on the continuity of the land to the southward, interspersed with the ordinary nautical occurrences, are found through several successive days down to the 30th, when the Expedition was in latitude 65° 10′, and discovered a bank of small extent. On the 1st of October the ships reached Cumberland Strait, of which they became immediately sensible, by the increased strength of the tides, and by their setting all round the compass in every direction;—the strength of the current was found to be two miles in the hour. Here the voyage of discovery may be said to terminate, as the following extract shows that this was its authorized conclusion.

'As the first of October was the latest period, which, by my instructions, I was allowed to continue on this service, I was not authorized to proceed up this Strait to explore it, which, perhaps, at the advanced season of the year, might be too hazardous an attempt; the nights being now long, and the little day-light we had, being generally obscured by fogs or snow, and the rigging of the ship covered with ice. I thought it, however, advisable to finish our operations for this season, by making Resolution Island, the exact situation of which had been laid down by Mr Wales; I, therefore, determined on steering for the southernmost land in sight; we, therefore, crossed the entrance of Cumberland Strait, and, making an allowance for indraft, steered about SSE. It will appear that, in tracing the land from Cape Walsingham, no doubt could be entertained of its continuity until the place where we found Cumberland Strait, which is much further south than it was laid down from the latest authorities the Admiralty were in possession of; but it is very near the place where Davis placed it in his chart, which has been found since our return. From the circumstance of a current being found at the entrance of this Strait, there is no doubt a much better

chance of a passage there than in any other place; and it was a subject of much regret to us, that we had not been able to reach its entrance sooner.'

'On the 3d of October, the attempt to verify its longitude by means of Resolution Island was considered as too 'hazardous under the existing circumstances; viz. thick weather, bad sailing ships, a dark moon, spring-tides, a coast surrounded with rocks, and the time I was directed to leave the service on which I was employed being arrived. Our bearings of yesterday were, however, sufficient to convince us, that our observations and chronometers could not be materially wrong. During the last night, which was both dark and foggy, the Alexander had separated from us considerably; and the wind being light, she did not join us until noon. We then bore up for Cape Farewell, having intimated, by signal, that it was my intention to make that Cape on our passage home. We sounded in three hundred and seventy fathoms, Cape Best on Resolution Island bearing west, distant sixteen leagues, by our reckoning. In the evening a light breeze sprung up from the westward, and we pursued our course.'

It is unnecessary, however, to pursue that course any longer. After experiencing a gale of wind to the southward of Cape Farewell, the ships reached Shetland on the 30th of October.

As we have, in the preceding detail, made repeated reference to Captain Ross's instructions, and, as it appears to us, the complete manner in which he executed them, it is necessary to make a few observations on their tenor, that by comparing them with the results of his voyage, the reader may judge whether he has not fulfilled all the expectations which they held out. The source from which they proceed deserves our respect, but not our implicit acquiescence in the speculations on which they appear to have been founded.

It is first stated, 'that there is reason to suppose that ice is most abundant near the shores of the continent and islands, and in narrow straits and deep bays; and it may also be expected, that the sea will be most clear of ice where the currents are strongest, as the stream of a river will continue open long after the sides are frozen up.' This expectation is not well-founded. The ice is not most abundant in such situations—as this voyage has proved; and it ought moreover to have been obvious, that the depth of water, and not the proximity to land, was one of the main causes, regulating the position and quantity of the ice. Moreover, near the shores, the greater strength of the tide currents, and the sudden inequality of level produced by their rise and fall, cause the ice to separate in these places, where, in the wider seas, it continues unbroken,

The next remark is to this effect. 'From the best information we have been able to obtain, it would appear that a current of some force runs from the northward, towards the upper part of Davis's Strait, during the summer season, and, perhaps for some part of the winter also; bringing with it fields of ice in the spring, and icebergs in the summer.' Now it does not appear that either Baffin, or Davis, or James, found any such currents; nor have any of the whalers whom we have consulted brought forward any proofs of a current 'of some force' in any place, which was not produced, in the manner formerly stated, by the winds and tides. The icebergs, wherever they are capable of motion, are drifted either up or down the bay by the winds; and, as the northerly winds predominate in the summer, it is a natural consequence that, to careless observers, they should have suggested the idea of a current down the bay. The real cause of this movement might easily have been discovered, if those who quote Baffin had read him with attention. 'In lat. 72° 12', the sea is open,' says Baffin, 'of an unsearchable depth, and of a good colour. onely the tydes keep no certain course, nor rise but a small height, as 8 or 9 foote, and the floode commeth from the southward; and, in all the bay *beyond that place,* the tyde is so small, and not much to be regarded, yet, *by reason of snow melting on the land,* the ebbe is stronger than the floode; by meanes whereof, *and the winds holding northerly the fore part of the yeare,* the great isles of ice are set to the southward, some into Fretum Hudson, and others towards Newfoundland; for in all the channel where the sea is open, are great quantities of them *driving up and downe;* and, till this yeare, not well known where they were bred.'

Presuming, however, that such a current exists, the instructions go on to say, that it must 'be derived from an open sea; in which case Baffin's Bay cannot be bounded by land, as our charts generally represent it, but must communicate with the Arctic ocean.' That Baffin's Bay does exist, and that it is 'bounded by land,' has been fully proved by this voyage; but even if that had not been so thoroughly established, we are at a loss to know on what principle a current should be expected to flow from a supposed Arctic ocean to the southward. No current flows down Behring's Straits—which, in this case, ought to be equally expected. As to the possibility of a current under vast fields of ice, carrying with it driftwood, which must thus be supposed capable of sinking and travelling unimpeded under ice of the most irregular forms, it does not admit of a serious examination.

'In passing up the Strait,' the instructions add, 'if such a current should be discovered, it will be of the greatest importance to you, in pointing out that part of the Strait which is likely to be the least encumbered with ice, as well as in leading

you direct to the opening by which it may be supposed to pass from the Arctic sea into Davis's Strait.' Captain Ross appears, in this case, to have obeyed his instructions with the greatest anxiety; but it is evident, from the sketch of his Journal which we have now given, that no indication of such a current was ever found.

In a subsequent paragraph, he is directed to abandon its pursuit, if it appears to exist in the north-east quarter. Now, if Baffin's Bay has no existence, there seems to be no reason why the attempt to sail into the Arctic ocean should not have been made, wherever it appeared possible. It seems to us, indeed, that a passage might, with most reason, have been expected between three islands and Cape York, as Baffin had not seen this part of the coast.

An order follows to examine the strength and direction of the current 'once in 24 hours, or oftener, if any material change is observed to take place; and it will be most adviseable to take its temperature at the surface frequently as you proceed, and to compare it with the temperature of the surface, where there is no current.' The expectations founded on difference of temperature, appear not to have been well considered, nor can we conceive on what grounds a current from an arctic sea should be supposed to possess a higher temperature than the water to the southward. The truth seems to be, with respect to temperature at the surface in those seas, that it is so much influenced by the presence or absence of ice, that this must be considered as a disturbing force, capable of destroying any effect which could follow from a warm current, did any such exist. In fact, in examining the Meteorological Journal, it will be found that the 'temperature of the surface' was extremely steady, and varied only according to its proximity to the frozen shores, or to the presence or absence of ice.

In a subsequent part of these instructions, a passage occurs, in which it is said that Baffin 'is supposed to have seen the land.' Baffin's own remark is this,—'As namely there is no passage, or hope of a passage in the north of Davis's Strait, we having coasted all, or near all, the circumference thereof, and find it to be no other than a great Bay.'—'For my own part, I would hardly have believed the contrarie, untill mine eyes became witnesse of that I desired not to have found, still taking occasion of hope on every little likelyhood, till such time as we had almost coasted the circumference of this great Bay.'

It appears from a multitude of testimonies, that the western land had not before been seen beyond the 69° of latitude, and it is here suggested that the north-east point of America might

be expected about 72°. We have always doubted the observations of Hearne and Mackenzie, respecting the sea which they supposed they had seen; and in consequence of Captain Ross's investigation, the whole question respecting the northern coast of America, has become more than ever obscure. The fear which Mackenzie felt at being detained by the ice, prevented him from ascertaining the fact that he had reached the sea; and, from other causes, Hearne has left the matter in still greater uncertainty. The arguments of both these travellers, rest solely on the presence of whales, and the rise and fall of the tide. Now, with respect to the former, it is well known that the white whale enters the rivers in Hudson's Bay in such abundance, as to have led to the establishment of a fishery in them. In Ellis's voyage we also find that those whales were seen at a distance of 150 miles above the entrance of Wager's Strait where the water was fresh on the surface;—' notwithstanding we were now 150 miles from the entrance, on the 2d of August we passed the fall, above which the tide rose only four feet; but the shores were very steep, and no ground was to be felt with 140 fathoms; there still appeared *seals* and *white whales*, but notwithstanding this, most of our company were not a little discouraged by their finding the water almost fresh on the surface.' As these whales thus appear to frequent the fresh water, the circumstance of their being seen by Hearne and Mackenzie, proves nothing respecting the presence of the sea; while the rise and fall of tide in the Hudson, and in many other rivers, extends to an enormous distance from the ocean. We do not mean to dispute, that both these travellers had arrived at the tide part of the respective streams which they examined. But the position of the northern shore of America remains a problem to be ascertained by future discoveries.

In concluding this sketch of Captain Ross's voyage, it is fully apparent that he has established and extended the discoveries of Baffin, so as once more to convert his 'gratuitous' bay into a real bay, notwithstanding the demonstrations of its non-existence which preceded his voyage, and, as we understand, have even attended it since his return. The term 'gratuitous' must now be transferred to Baffin's 'sea.' He has also most clearly established, that, so far from there being a perpetual current setting down along the eastern coast of America, and the western shores of old Greenland, at the rate of four or five miles an hour, *no current whatever* exists in any part of the Bay, from Disco to Cumberland Straits, which is not transient and superficial, generated by the diurnal motion of the tides, and the drifting of the ice by the winds.

That he has disproved the existence of a North-west Passage, or of any passage, throughout the whole space which he circumnavigated, appears to us to be also most clearly demonstrated. The anxiety for this object, as we deduce from some hints in his book, has persecuted him, since his return, in a manner that does not appear very creditable to those who have set themselves up as its champions. Indeed we have, even here, heard more than enough of the heat which has been excited on this occasion. We leave it to those who have so acted, to determine, and to show by their conduct, whether the unwillingness to abandon their hypothesis, has not been a stronger motive for this pertinacity than the advancement of science. The real philosopher is distinguished by his anxiety for truth: and we have never been able to understand on what other grounds the discovery of a North-West Passage, to the north of Cumberland Strait at least, has been esteemed a desireable object. The condition of Baffin's Bay, to a late period in the summer, is such, and the uncertainty of effecting a passage through that Strait, if it existed, so great, as plainly to make it impossible that any advantageous commerce should ever be carried on by such a route with the Pacific Ocean.

What the event of the new expedition to this quarter, now afloat, may be, we do not venture to predict, as far as relates to Cumberland Straits; but we have no hesitation in expressing our belief, that, to the north of this, it will confirm the discoveries of the last season. The Hecla bomb, and a gun-brig, have, as we understand, been fitted out for this expedition; the latter having been *raised on.* This measure we humbly conceive to have been palpably injudicious; and in thus making room for both crews, in case of accident, the other essential properties so requisite have been sacrificed. She now draws more water than the Hecla; and from being so deep in the water, she will necessarily sail (like the Alexander) so heavily, as to be unfit for exploring bays or inlets on a lee-shore. She thus also has become more unsafe even than the Isabella, her wall side being under water; in consequence of which, it is to be feared that she will be crushed, if she should happen to be nipt by the ice. We understand that, in addition to these defects, she is top-heavy, and unable to stow provisions for her crew. The Hecla appears to have been fitted with more judgment. All vessels employed among fields of ice ought to be sharp, without which they cannot rise between two fields; and the part which receives the pressure must consequently give way. If the ship is 'wall-sided,' or perpendicular, the ice can have no effect in raising her: as is seen in merchant

built ships, which are constructed to carry cargoes. The form of the American schooner has been found best adapted to the ice; and there are many instances where these vessels have been fairly lifted on the top of a field without receiving any damage, while others of a different construction have been crushed. It is also necessary that a vessel intended to work among ice should be a fast sailer, as it is only on a shift of wind that any progress can be made. When it has blown fresh for a day in any one direction, the ice becomes packed, and the ship is consequently beset, but is generally enabled to get into some interval formed by the irregular shape of the fields. Here she must remain until the ice is again set in motion by a change of wind; and as the channels thus formed are often very intricate and narrow, she must, in passing through them, make her course on every point of the compass. She is, therefore, often compelled to beat against the wind; and a good sailer will consequently, by weathering a point sooner than another, make her passage through a channel before it is closed up. It is to be remarked also, that, in these cases, ships make the best way when the wind is contrary; as the ice opens first to leeward, and moves on until it is stopped by grounded icebergs, or by land. A good sailing ship has, therefore, an additional advantage; for as the lee side of the packed ice first opens, and continues opening gradually to windward, the fastest sailing ship keeps longest in the loose ice. As in all cases the greatest pressure of field ice is experienced in a space from three to six inches above the water's edge, pieces ought to be fitted on to carry the diagonal line above this part of the ship's side, that at the first trip she may immediately rise; a precaution which has been neglected both in the Hecla and Griper. We have only to suggest, in addition to these remarks, that a light schooner should be added to the present expedition, for the purpose of exploring in-shore.

A variety of matter is contained in a bulky appendix, which our narrow limits will not allow us to examine; nor are the several subjects all of equal importance; certainly not sufficient to justify the space which they occupy. A few remarks must suffice.

The first of them is a long paper by Captain Ross, with a tedious detail of experiments, respecting the deviation of the magnetic needle; a circumstance which we have already noticed in the narrative. The result deducible from these, appears to be the following, and we shall state it in as brief a form as possible. The magnetic needle is in the first place subject to that well known influence which causes it to tend to a certain varying

point, called the magnetic pole. That tendency may be resolved into two parts, by the peculiar mode of balancing the needle in common use; the horizontal one thus becoming the mariner's guide. According to the relative situation of the needle so balanced, towards the place of the magnetic centre, it is evident that this tendency will increase or diminish; or, that in the case of the increase of dip, the only part of the magnetic intensity which is serviceable to the mariner will be weakened. ' Independently of this force, or the polarity of the needle, the magnet is also acted upon by the presence of iron, or of substances containing it, which, abounding in the construction of a ship, produce the effect here termed the deviation; a force which must vary in its effect, according as the attracting centre is, during the manœuvring of a ship, turned round that point where the compass is situated. If the stowage of a ship remains unaltered, this force may be considered as a constant quantity; although even this local attraction may be influenced in its intensity, by other as yet obscure causes which affect the general polarity of the needle. But assuming the simplest view of the case, it is to be expected, that as the horizontal energy of the needle diminishes, the quantity of the deviation will increase; and accordingly, that when the dip of the needle is most considerable, the deviation will also be the greatest. This fact is confirmed by the observations detailed in this paper. But the results are not constant, nor could that be expected; as the magnetic intensity is subject to other influences, which interfere with those differences of horizontal tendency arising from the comparative force and angle of the dip. The causes which affect the intensity of the magnetic force, have never been fully investigated; but it is apparent, partly from previous knowledge, and partly from deductions contained in this Journal, that the most conspicuous of them are, variations of the temperature, of the humidity, and of the pressure of the atmosphere, and changes of its electrical condition. These causes are often such as materially to affect the conclusions that might otherwise be drawn, respecting the probable amount of the deviation, from a previous estimate of the horizontal tendency; and it thus becomes necessary, in every ship, to ascertain that error by careful experiments, repeated under all probable circumstances capable of interfering with the effects resulting from the chief cause. It is obviously necessary, that in such experiments, both the position of the needle should remain unchanged with regard to the ship, and that her stowage, particularly in the case of anchors, should not be disturbed. It is moreover plain, that the goodness of the needle, and its steady maintenance of

its original power, should be as far as possible ensured; as it by no means follows, that the influence of a neighbouring centre of attraction, and that of the polar centre, will exert a corresponding action in needles of various powers, or on one of which the power is influenced by other disturbing forces. We shall conclude this sketch of the subject, by hinting to Captain Ross, that in future experiments it would be proper to carry on a set of simultaneous experiments on the magnetic force, by the method of oscillations.

We have often had occasion to regret, that, in the appointment of expeditions of this nature, so little attention has been paid to the selection of persons competent to conduct those scientific inquiries which must be expected to arise on such occasions. Whatever knowledge of navigation a naval officer may possess, it would be unreasonable to expect from him a capacity to decide delicate questions of science, altogether out of the sphere of his profession. Even were his education such as to give him that extensive information, which he must possess unusual opportunities or uncommon talents to have acquired, it is plain that his decisions would not be received as of authority. In all such cases, the confidence to be reposed in an observer must obviously depend on his previous reputation and acknowledged accuracy. It is vain to expect, that it will be placed in those whose very profession must disable them from acquiring that which in such cases is indispensable. It must be recollected, that in all expeditions of this nature, a most perilous responsibility rests on the commander. It is he who must watch for all, and think for all. The ordinary calls on his attention are so frequent and so important, that even the scientific acquirements of a Maskelyne would, in such a case, prove useless. It is enough for the commander, to attend to the navigation of his vessel, and to preserve the discipline and the health of his crew: and, as in this case, it is further necessary to be perpetually on the watch amidst the new and perilous situations in which he is every minute liable to be placed, it is much if he can carry on correctly the ordinary hydrographical and geographical observations which are more peculiarly his duty. If this be true even of astronomical and meteorological remarks, it is more particularly unreasonable to expect that he can attend to the department of Natural History; to the collecting or preserving of objects, of which, but by an extreme chance, he can know nothing; and to the numerous philosophical questions of an incidental nature, which may come in his way at every step of his progress.

In reading the instructions, we observe, that a Captain Sa-

bine of the artillery was recommended to the Admiralty 'as a gentleman well skilled in Astronomy, Natural History, and several branches of knowledge.' Now, this recommendation does not seem to have been very correctly given; and we think we can discover that Captain Ross does not set a high value on the acquirements of Captain Sabine. He has evidently expressed himself with much caution; for reasons which we do not know, —but which are probably very good, as our countrymen are noted for their prudence. But we can easily deduce from one of his remarks, that Captain Sabine did not wind up his chronometers, and, consequently, that one of them very naturally ran down. As far as we can discover from the Journal, this is the only experiment in Astronomy for which Captain Sabine is responsible: But a much stronger decision is ready on the subject of Natural History. There is a Botanical catalogue, no doubt; but it is professedly drawn up by a botanist at home, whose celebrity could acquire no addition from any praise of ours. There is, further, a very awkward correspondence on Zoology; and an article appended, which has been drawn up as well as could be expected, *by the surgeons of the ship*, and corrected by Dr Leach. From this curious correspondence, it appears that the Naturalist of the Expedition *confesses himself ignorant* of every thing in this branch of knowledge except what relates to Ornithology; and it is further pretty plainly insinuated, that in this department he means to be indebted to his brother, who is considered an ornithologist. Future naturalists will therefore be at a loss to know, whether *Larus Sabini* marks the path of Joseph or of Edward Sabine through the regions of air; or, which of these philosophers is to rise to ornithological immortality on the plumes of a sea gull. In Geology, or Geognosy, the Geognost of the Expedition seems to have been equally deficient; and we have accordingly another *exposé* in the cautious nature of an apology also. This is followed by a catalogue of specimens, drawn up by a well known member of the Geological Society.

An account of various Instruments, most liberally furnished to the Expedition, is found in the Appendix; and of these a few require notice. Among the various Compasses for different objects which formed part of the scientific furniture of the Expedition, due praise is given to Kater's Azimuth Compass, and to a Steering Compass constructed by Alexander of Leith. In consequence of the better adaptation of the weight of the needle to that of the card, and the superior method of suspension, it was found to traverse in foggy weather, near Lancaster Sound, when all the rest had ceased to act. Of the several Dipping-Needles, it appeared that Nairne's alone was worthy of being

relied on: From various defects, no results could be obtained from the others. There is an amusing attempt to trim between the importance and the inutility of Dr Wollaston's Dip Sector. We do not pretend to judge of an instrument which we have not seen; but the objections seem unsurmountable,—arising from the inequality of the refraction on various parts of the horizon, and from its extreme inconstancy in situations where ice is present.

The most obvious results (although, we may presume, unexpected by the inventor himself) were obtained from Troughton's whirling horizon. The minute vibrations noticed in the Appendix, where these remarks are contained, must have arisen from imperfections in the workmanship, which are perhaps unsurmountable; but the inventor seems to have forgotten, that the ordinary movements of the ship must have communicated to it motions incapable of being counteracted by the quantity of its centrifugal force; and accordingly it deviated from the horizontal position, even in moderate motions, above half a degree.

An instrument called a Sympeisometer, is praised as likely to supersede the use of the Marine Barometer. This appears to be a variation of the Manometer, and is obviously subject to the same defects. If it is more quick in indicating the approach of a squall, it also indicates changes which do not depend on the increase of the wind, while it is affected by differences of temperature, which the correcting thermometer does not check so rapidly. Hence the sails may be often taken in when no difference but that of temperature has occurred. We do not, for our parts, think that a manometer of any construction, will ever supersede the marine barometer, imperfect as that may be: And, that the sympeisometer does not accord with the barometer, is evident on inspecting the meteorological table, where the lines are very often far asunder. There is no great reason to doubt that these barometers acted well, as will appear in the Journal, and by the fact that calms were for a long time prevalent. Other instruments are described in this Appendix: but some of these seem not to have been used for want of opportunity, and others for want of competent observers.

ART. VI. *L'Alfabet Européen appliqué aux Langues Asiatiques; Ouvrage élémentaire, utile à tout Voyageur en Asie.* Par C. F. VOLNEY, Comte et Pair de France, Membre de l'Academie Française, Honoraire de la Societé Asiatique, séante à Calcutta. Paris, chez Firmin Didot.

ALL the alphabets now employed, from the western extremity of Europe to the Indus, may be traced with historical cer-

tainty to one original,—the Phenician, Samaritan, or Syriac. Of these contiguous countries, the letters and the languages always analogous, were once probably the same. 'Phenicia and Palestine,' says Mr Gibbon, 'will for ever live in the memory of mankind: since America, as well as Europe, has received Letters from the one, and Religion from the other.' It was in that primitive character, and not in the Hebraic, that the sacred historian delivered to posterity the only authentic records of the creation of the world, and the primaeval transactions of the human race.

About the same period, the Phenicians communicated to the savages of Europe the knowledge of letters. The testimony of Herodotus, and the general current of tradition, attest the Phenician origin of the Greek alphabet. We are aware that the former is ambiguous; and that the passage may mean merely that the followers of Cadmus introduced certain letters previously unknown to the inhabitants of Greece, and in which their alphabet was deficient: not that they first taught the use of letters to an illiterate people: Yet the contrary is the more obvious construction; and, in the absence of any testimony, we should be disposed to draw the same inference, and that with considerable confidence, from the relative position of the letters which constitute the alphabet. In an arrangement wholly arbitrary, it is scarcely possible that the same order should be generally observed, as we find it in the Syrian and Grecian alphabets, unless the one were borrowed from the other. A, B, C, D, &c.—there is no reason why these letters should follow in this order: one is a vowel, and the other three consonants, and each produced by different organs of speech. The order might consequently be inverted, without violating any conceivable principle. The general agreement is therefore a conclusive proof of the origin of the more modern. Like its original, too, the Greek was first written from the right hand to the left. Yet it is singular, that of the four characters which, as Pliny informs us, were subsequently added by Palamedes, three existed in the Syriac alphabet, and might have been introduced from the first. The most singular thing, however, is, that the Greeks were no sooner in possession of this new instrument, than they brought it to a degree of perfection, which it never attained in the country of its birth. There the short vowels are uniformly omitted, and left to the sagacity of the reader to supply; but we believe that, in the most ancient and rudest of the Greek inscriptions which have been preserved, the vowels are regularly inserted.

The Pelasgi, says Pliny, first brought letters into Latium. Now, the Pelasgi had originally occupied that part of Greece,

into which Cadmus and his Phenicians had introduced the Syriac alphabet: and consequently, we cannot be suprised to find that the characters which they brought into Italy, were the same with those first used by the Greeks. The letter E had originally the powers both of K and G. On the column of Duilius, there was inscribed *leciones* and *macistratos*, for *legiones* and *magistratus*. G was added to the alphabet in the 6th century of the republic. Dionysius Halicarnessensis had seen at Rome, in the temple of Diana, a column, on which Servius Tullius had caused the laws to be engraved; and he has recorded, that it exhibited the most ancient characters of Greece. The empire of Rome disseminated its letters to the utmost extremity of the West, where, perpetuated by the art of printing, literature now seems to bid defiance to those events which have swept from the earth the ancient monuments of Assyrian, Babylonian, and Persian knowledge, and threatened to involve even those of Greece and Rome in one general ruin.—We must now pursue our inquiries into the East.

The Hebraic character seems to have been brought by the Jews from Babylon; and, after the captivity, gradually supplanted the Samaritan, in which the sacred books had previously been written. M. l'Abbé Barthelemy, in a dissertation on two medals of Antigonus, king of Judea, (one of the last of the Asmonean princes), both of which are in Samaritan characters, observes, that, to the proofs drawn from medals, of the Samaritan character being employed to a much later period, than is usually supposed, may be added two passages, one drawn from the Misna, a work composed near the end of the 2d century, and another from the Talmud of Jerusalem, between 60 and 70 years later. 'These two passages,' says M. Barthelemy, 'declare in substance, that the texts of the Bible destined to be publicly read, should be without Chaldaic paraphrases, and in Assyrian letters. But that it is permitted for private use to employ a copy, in which the paraphrase is incorporated with the text, and written in Samaritan characters.' This passage, in which the Hebraic character is termed Assyrian letters, may suffice to show the opinion entertained by the Jews, at a period long subsequent. The Hebraic character *may* certainly have been that in use in the celebrated cities founded by Ninus and Semiramis, whose structures attested the progress which the arts had made at the time they flourished. But the matter must be considered as still doubtful; and the affirmative does not appear to be confirmed, by an inspection of the bricks recently brought to Europe from Babylon.

The conquests of the early Caliphs extinguished the ancient

letters and literature of Asia, from the Mediterranean to the Indus. In their room was introduced the recently invented Arabic character. After a few centuries, when the memory and the names of ancient philosophers, poets, and historians, were finally obliterated, Asia might again boast of poets endowed with warm imaginations, and with powers of vivid description, and might number her annalists, whose accuracy as to dates and political events, in times subsequent to the Mohamedan era, might have obtained for them the title of historians, were the chief object of history to ascertain dates, to register the births and deaths of kings, or to record, without describing, the wars which confirmed or overturned a reigning dynasty.

The origin of the Arabic character is thus stated by the learned Baron de Sacy.

'The best Arabian historians agree, that the written character now used by that nation, was invented only in the beginning of the fourth century of the Hegyra, about the year 940 of our era, by the visir Ebn Mocla; and that it was less an invention, than a reform, rendered necessary by the disorder which the caprice and negligence of copyists had introduced into the character previously made use of. This anterior character was brought for the first time (about the year 578 of our era) to the countries of Mecca and Medina, where the art of writing was previously unknown. The first inhabitant of Mecca who learned it, was Harb, a cousin german of Mohamed's father, who was born, as is well known, in A. D. 571. . This Harb acquired it from an inhabitant of Hira, who had himself learned it at Anbar, from two Arabs of the tribe of Taï, who had come to settle there.' Hira and Anbar are two cities on the Euphrates.

'In the most antient Arabian monuments, this character was of a square form, similar to the Assyrian character called *estranguelo*. Now, as the tribe of Taï, established in the Syrian desert, always carried on a commercial intercourse with the coast, we are entitled to conclude, that it was in fact the Syrian alphabet, then used, which the two Arabs brought to the cities of Anbar and Hira. This conclusion is corroborated by the circumstance, that the present number of 28 Arabic characters, and their order in the alphabet, are not of so antient a date, and that before Mohamed the letters were classed according to the relative order of the 22 Syrian letters.'

Stretching eastward from the Indus, to the doubtful limits of the Chinese empire, where alphabetical writing gradually disappears, the inhabitants have retained and employ their antient characters. The number of different alphabets actually used within the space described is uncertain, probably not less than twenty. But all those known to Europeans discover a common origin. 1. There is a general agreement in the position of the letters in the alphabet. 2. Each letter is a syllable, consisting

either of a vowel, or of a consonant and vowel, both denoted by a single character. These peculiarities of the Indian alphabets are universal, however great the discrepancy in the form of the letters, as in those of Tibet, Ava, &c. and are amply sufficient to justify the inference, that they are all derived from one original alphabet. But was this the Deva Nagari in which the Brahmans now write their antient books? The beauty and rounded forms of this character in its present state, scarcely allow us to ascribe it to a remote antiquity; and numberless inscriptions attest the former existence of characters now unknown. The original prototype is probably lost; but it may in the lapse of ages have undergone alterations and improvements, and the various alphabets of India may have been transplanted from it, at different periods, to the countries where they are now found.

To whatever period the invention of letters in Hindustan may be assigned, two facts seem unquestionable. 1. That the period when they received their present arrangement, must have been one of high civilization, compared with that in which the western alphabets originated. 2. That it must have preceded the period at which the other alphabets retaining the same arrangement were conveyed to the regions where they are now employed. In this arrangement nothing is arbitrary. The vowels are placed first, comprehending distinct characters for the long and short ones, and for the sounds we term dipththongs. The consonants follow, arranged according to the organs of speech by which they are elicited. Gutturals, dentals, labials, nasals, &c. form each a distinct class, distinguished by a Sanscrit name, analogous to those we have just mentioned. A classification so scientific must obviously have been the work of a period of refinement, and preceded their dissemination into other countries.

The celebated Comte de Volney, whose travels into Egypt and Syria first conveyed to Europe correct notions of the actual state of those countries, has dedicated the small work which has suggested the preceding observations, to his colleagues of the Asiatic Society of Calcutta. In 1795, about the time of his emigration to America, he published a work on the simplification of Oriental languages. My system, says the Count, 'à titre d'innovation, ne pouvait manquer d'être attaqué par les anciennes habitudes. Je veillai l'occasion de le defendre; cette occasion se presenta en 1803. Le gouvernement Français venait de commander le somptueux ouvrage de la Description de l'Egypte; il voulut qu'une carte geographique y fut jointe, et que sur cette carte la double nomenclature Arabe et Française fut tracée, literalement correspondante. Les Arabistes de Paris trouverent la chose impraticable, vu la differ-

ence des prononciations; mes idées nouvelles sur cette matière étoient connues; Je fus invité à en faire l'application.'

The reflections which our author was thus led into on this subject, have impressed him with a high idea of the importance of an universal alphabet for promoting the civilization and improvement of Asia, by facilitating the acquisition of Eastern languages to Europeans, and, what he estimates much more highly, the acquisition of European knowledge to the Asiatic.

'Un antique prejugé vante vainement la litterature Orientale; le bon goût et la raison attestent qu'aucun fonds d'instruction solide ni de science positive n'existe en ses productions: l'histoire n'y recite que des fables, la poësie que des hyperboles; la philosophie n'y professe que des sophismes, la médécine que des recettes, la metaphysique que des absurdités; l'histoire naturelle, la physique, la chymie, les hautes mathematiques y ont à peine des noms; l'esprit d'un Européen ne peut que se retrecir et se gâter à cette école; c'est aux orientaux de venir à celle de l'occident; le jour où les hommes d'Europe traduiront facilement leurs idées dans les langues d'Asie, ils s'acquerreront partout en cette contrée, une superiorité decidee sur les indigenes en tout genre d'affaires.'

The reasoning by which our author supports the utility of the alphabet he has invented, is as follows.

'Il faut l'avouer, le premier aspect des alfabets orientaux frappe le disciple Européen d'une sensation penible et décourageante; la figure des lettres est étrange pour lui; son amour propre se sent blessé de ne n'y rien comprendre; déja loin de l'enfance il va redevenir écolier; il s'alarme avec raison du travail d'introduire en sa memoire tant de signes bizarres, et de plier sa main à une habitude que l'age adulte supporte bien plus impatiemment que l'enfance: ce ne sont là que des preliminaires: l'explication commence; il a coutume d'écrire de gauche à droite, on lui ordonne d'écrire de droite à gauche; son écriture Européenne trace tout ce qui se prononce; l'écriture Asiatique en général n'en trace qu'une partie. La faible enfance se plie à ce joug, mais le disciple adulte y resiste. Il faut rendre comte de ses idées; après un premier etonnement passant à la reflection, il argumente et se dit.'

'Si l'organisation humaine est la même en Asie, qu'en Europe, le langage dans ce pays là, doit être composé d'élémens semblables aux nôtres, par consequent de voyelles, de consonnes, et d'aspirations; dès lors les alfabets Asiatiques ne doivent être comme les nôtres, que la liste des signes qui representent ces élémens; mais ses signes peuvent avoir deux manières d'être: ils peuvent être simples, comme les élémens A, E, D, P, &c. ou composés, formant sous un seul trait, des syllabes, et même des mots entiers; dans l'un et l'autre cas c'est une pure operation d'algebre, par laquelle des signes divers sont appliqués à des types identiques. Pourquoi cette diversité de tableaux? Il faut opter entre deux partis; si ces lettres que je ne connais pas, re-

presentent des sons que je connais, je n'ai pas besoin d'elles; je puis me servir de mon alfabet accoutumé; si au contraire ces lettres representent des sons inconnus à mon oreille, l'étude va me les faire apprecier, et même sans pouvoir les prononcer, je pense leur donner des signes, leur attribuer des lettres de convention déduites de celles que je connais. On me presente vingt alfabets divers, par consequent vingt diverses figures d'une même voyelle, que j'apele A, d'un même consonne que j'apele B: pourquoi chargerais je ma memoire de ces vingt repetitions, une seule figure me suffit; avec une seule alfabet, je veux peindre toutes les prononciations de ces langues; comme avec un seul système d'écriture musicale, je puis peindre tous les tons, tous les chants des divers peuples de la terre.'

In the first book, our author treats of spoken sounds, and of the letters which represent them; and his observations on this subject seem to us always clear, and sometimes new. In the second, he passes in review all the pronunciations which occur in the languages of Europe; and he finds that they consist of 19 or 20 vowels, and 32 consonants. The Roman alphabet is incapable of representing that number; but known already, both in Europe and America, he takes it for the basis of his alphabet, which he renders universal, by assigning different powers to the redundant letters, and adding to others certain signs to represent those sounds in which the common alphabet is deficient. In the third part, he applies his system to the Arabic alphabet, as one of the most complicated of Asia. From this operation springs a new alphabet, which may be called Europ-pean, equally applicable to the Arabick, the Turkish, the Persian, Syriac and Hebrew. It is now, says our author, only requisite to extend its application to the languages of India, and of the rest of Asia.

'Mais par qui' (addressing himself to the Asiatic Society) 's'executeront tant de travaux preparatoires, à la fois scientifiques et dispendieux? J'ose le garantir; par vous, Messieurs! oui, par vous dont l'association libre, eclairée, genereuse, placée en avant garde sur les bords du Gange, y a élevé les premiers signaux de la civilisation. Fidele au caractère national, vous ne repousserez point une industrie nouvelle, sans avoir bien examiné ce qu'elle à d'utile ou de defectueux.'

We are most ready to acknowledge the benefits that would result from the adoption of an universal alphabet, in facilitating intercourse, promoting civilization, and diffusing knowledge. We readily admit also, that an alphabet, formed on the principles of M. Volney, would be much more perfect than any which exists at present. But this benevolent project, in its application to the natives of India, would encounter difficulties of which the Count is little aware, and which will probably either prevent the attempt, or paralyze its execution. Of these we do not think it

necessary to say any thing on this occasion: For the really practical question at present is, whether elementary works for the instruction of students in the Oriental languages, might not advantageously be composed in such a conventional character? By substituting this for the various alphabets now used, some trouble would certainly be saved to beginners, and much expense to the East India Company. The experience and acknowledged success of Dr Gilchrist in teaching Hindustani, by an analogous method, affords some confirmation to the theory of M. de Volney.

ART. VII. *An Elementary Treatise on Astronomy.* By ROBERT WOODHOUSE, A.M. F.R.S. Fellow of Caius College, Cambridge. Vol. I. 1812. Vol. II. 1818.

It is always an interesting speculation to trace the progess of Science, from the first feeble efforts which mark its infancy, to the majestic and matured systems which have been strengthened by discovery, and established by time: And there is no one in which this progressive improvement is so well marked as in Astronomy. The progress has been so rapid and continued, that we can follow its steps as distinctly and satisfactorily as we can retrace the events of our own lives. The explanation of the phenomena of the Heavens, which was first suggested to the mind of Copernicus, and afterwards, in spite of the religious bigotry and superstition which characterized that age, promoted by his disciples, and extended by the researches of Galileo—the discovery by Kepler of the laws which govern the motions of the heavenly bodies—the general principle of universal gravitation upon which all these laws depend, established by Newton—the explanation of every inequality in the planetary motions, deduced by those who succeeded him, from the immutability of the whole, and the proof of the same principle of gravitation—form the leading features which mark the advancement of Physical Astronomy, from its first dawnings to the state of excellence in which we now behold it. Great as this excellence is, astonishing indeed for the limited capacity of man to have developed, it affords an explanation of a very minute portion only of the system of the universe. It brings us acquainted with the orbits of the earth and the planets round the sun, or rather round the centre of gravity of the solar system, and the motion of the secondary planets round the primary. But the sun himself must have a motion in *fixed space*, by reason of the path which that centre of gravity describes about the centre of gravity of the whole universe. And yet, of

the sun's orbit in space, and the motion of the centre of gravity of our system, we are entirely ignorant. These investigations are reserved for the labours of future astronomers—if indeed we can look forward to the period when science shall perfect such discoveries, while we call to mind the long series of ages that elapsed before the motions of our own systems were known and established. It is the opinion however of La Place, a name justly celebrated in the annals of science, that we have already indications of the motions of the sun and stars. Speaking of these motions, he says, 'Les observations commencent à les faire appercevoir; on a essayé de les expliquer par le seul déplacement du soleil, que paroît indiquer son mouvement de rotation. Plusieurs observations sont assez bien représentées, en supposant le système solaire, emporté vers la constellation d'Hercule. D'autres observations semblent prouver que ces mouvemens apparens des étoiles, sont une combinaison de leur mouvemens réels avec celui du soleil. Les temps découvrira sur cet objet, des vérités curieuses et importantes.'

The infinite extent of this field, where no bounds can be set to our speculations, peculiarly shows the preeminence of Astronomy among all other pursuits of human wisdom. In metaphysics—in literature—in the arts—ignorant as we are, we can assign limits, and supply, in imagination at least, all that may be wanting to perfection; but, in the works of Nature, beyond our power of scrutiny, we see no end to our inquiries;—we perceive only the littleness of man, and the nothingness and vanity of all his boasted attainments.

Nevertheless, it is a great matter to have ascertained so perfectly the motions of the earth, and of the other planets and their satellites. In the last hundred years, discoveries have been made in this branch of science, which were deemed, by the older astronomers, above the reach of human reason and experience. As far as regards the system of which our globe forms a part, the theory is complete: All the motions of the planets round the sun—of the secondaries round their primaries—their mutual actions upon one another—the irregularities and inequalities produced by those actions—are most perfectly explained by that one mysterious power, their gravitation towards each other with forces that are directly as their masses, and inversely as the squares of their distances.

It is the proud boast of Great Britain to have been the birthplace of the man whose genius discovered this law; and, by it, accounted for the principal motions of our system. The foundations of Physical Astronomy were thus successfully laid. What Geometry could do for the superstructure, was also accomplished

by Newton: But it required more refined methods of calculation to complete the work; and the accomplishment of this was reserved for the introduction of the Integral Calculus, in the hands of his successors.

The speculations of Descartes first opened a field for the operations of the Calculus;—and from that time we may date the beginning of those discussions which have agitated the mathematical world even to the present day. Geometry and Analysis were the standards round which the heroes of science rallied their forces; and so stoutly was the contest maintained by the keenness of the parties,—for even in Science the spirit of party has its sway,—that it was long doubtful which would be declared victorious. On the Continent, at length, and especially in France, the powerful operations of the Calculus began to make some impression;—and the splendour of its achievements threatened a rapid destruction to its once formidable opponents. The effects of victory were soon apparent. In the hands of Clairaut, Euler, and D'Alembert, the improved analysis was making rapid strides towards the perfection of Physical Astronomy; and nothing was wanting but the assistance of La Grange and La Place to put a finishing hand to the whole.

In England, Geometry kept its ground for a much longer period, and even yet is making a faint stand at the very place from which it ought long since to have been dislodged. At that University which is considered as the nursery of mathematical learning in Great Britain, the works of Newton are still looked up to with all the reverence which is so justly due to them, but unhappily to the exclusion of that system so well calculated to extend the bounds of Science. The time, we trust, is not far distant, when the principles of Analysis will form a larger portion of the studies of that place;—and we are sure nothing is so likely to hasten that period, as the publication of such mathematical works as that before us. At the other English University, the contest for preeminence between Geometry and Analysis has been little regarded. There, indeed, neither party have found supporters: Nay, it would be ridiculous to suppose that the merits of the case could be understood—far less advocated—at a place where the knowledge of a ponderous treatise on the Conic Sections is considered a great step in Science—where the first few sections of the Principia are looked up to as heights unattainable to ordinary talent—and Dealtry's Fluxions esteemed the very summit of mathematical excellence.—Still less should we be warranted in hoping, that the doctrines of Analysis will ever there be received as the established faith.—At present, we must be content with the infancy of Science;—

they have made a beginning, at least;—and it is some comfort to think, that even a small portion of mathematical knowledge, already shares the palm of academic honours with the dictates of Aristotle.

But it is time we should consider the work before us. It consists of two volumes, published at different times;—the first, containing Plane Astronomy;—the second, Physical. These subjects, and the mode of treating them, are so perfectly distinct, that we must consider these volumes as forming two separate works. We shall begin, accordingly, with the first, as being the most simple.

The natural divisions which Plane Astronomy takes, are, the Doctrine of the Sphere, including all Geographical Problems, —the Motions of the Sun and Moon, with their Eclipses,—and the Phenomena exhibited in the Planetary Motions, as far as can be determined by observation.—Such, with some slight exceptions, is the order which Mr Woodhouse has adopted in the first volume of his Astronomy. In our observations on the different parts of this subject, and inquiries connected with them, we shall follow our author's arrangement.

After a familiar explanation of certain phenomena of the heavens, and a concise description of the most important instruments of the Observatory, Mr Woodhouse proceeds to give various methods for finding right ascensions and declinations of stars—their latitudes and longitudes, and also means of ascertaining the obliquity of the ecliptic, and the precession of the equinoxes. In all these, however, the observations are supposed to be made on the meridian; the Earth is considered as a mathematical point, at rest; and consequently the star, as truly seen in the direction in which the rays from it enter the eye of the spectator.

If such were the case, the labour to the practical astronomer would indeed be trifling.—With little else than to mark the hour by his time-piece, and the position of the star to which his instrument is directed, his observations would be complete as soon as made, and his results would be free from the errors of calculation. But the Earth, if there be any truth in the Copernican System, is revolving in its orbit round the Sun, at the same time that it has a rotatory motion about its own axis,—and even that axis has an oscillatory motion peculiar to itself. These and other causes must necessarily introduce error into his observations—and, to obviate their effects, requires all the ingenuity of the astronomer. The methods which have been adopted for this purpose, are called *Corrections;* and, from their importance, they form a very considerable part of this branch

of Astronomy.—Mr Woodhouse has very judiciously considered them in as early a period of the work, as was consistent with the explanations necessary to understand their use. A brief enumeration of these Corrections will not detain us long;—and it is necessary to more fully understanding this part of the subject.

They are five in number, and are treated of in the following order.—1. Refraction. It is a well known law of Optics, that when a ray of light passes from a rarer into a denser medium, it is bent, or *refracted, towards* the denser. Hence the apparent place of a star will be changed: Being seen in the direction of a tangent to the curve formed by the refracted ray, it will appear *elevated*, but only in a vertical plane; and its declination being determined by its meridian altitude, will be affected by the whole refraction. To compensate for this error, a correction is necessary.

2. Parallax. That observations may be rendered the same for every part of the earth, they must be referred to some common point: this will naturally be the centre of the earth. The observer then, being supposed at this point, the object will appear *depressed*, in the *direction* of a vertical plane; and the quantity of this depression is measured by the difference of the angles, which the direction of the star makes with the zenith, at the surface and at the centre of the earth: The azimuth motion will not be affected;—consequently the declination and right ascension will alone require correction.

3. Aberration. While a ray of light coming from a fixed star, passes through a telescope, the telescope having at the same time the motion of the earth in its orbit, the real path of the ray, relatively to the tube, is the diagonal of a parallelogram, the sides of which are proportional to the velocities of light, and of the earth. To view the star, therefore, in its proper direction, the tube must be inclined, so as to have the position of the diagonal of this parallelogram. Aberration, though necessarily very small, on account of the great velocity of light, is nevertheless one of the most important causes of error in observations: it affects both the longitude and latitude —the right ascension and the declination of a star. It is highly requisite, therefore, that corrections of these errors should be computed. And here, we cannot help remarking, how satisfactorily the phenomena of aberration prove the motion of the earth. However inconsistent with the simplicity of nature the Tychonic system might be, there were yet no appearances that did not accord with, and we may almost say, strengthen and confirm, it. But the memorable discovery of Bradley, on

the subject of aberration, completely overthrows this theory, and establishes, beyond a doubt, the earth's annual motion in its orbit.

4. Precession. The intersection of the Equator and Ecliptic, has a slow annual retrograde motion of 50″ nearly. This causes the pole of the equator to describe a circle about the pole of the ecliptic; and hence arise errors in declination and right ascension, which require computation. The precession was first remarked by Hipparchus, who discovered it by comparing his own observations with the more antient ones of Timocharis and Aristillus.

5. Lastly, Nutation. While Bradley was engaged in his inquiry into the aberration, he observed small inequalities in the precession of the equinox, and in the mean obliquity of the ecliptic, to which, accounting for them by conceiving the axis of the earth to have an oscillatory motion, he gave the name of Nutation. This inequality affects all the heavenly bodies; and, when used as a correction, their places are found to agree much more accurately with observation, than when it is not applied.

To the discussion and explanation of these Corrections, eight chapters are devoted—which, however, is no more than their consequence, and the important theories connected with them, absolutely require.

We next come to the Solar Theory, in which the most material discussion is, the determination of the Sun's place, by what is called Kepler's Problem. Kepler was one of those rarely-gifted men, whom Nature has given to the world, to enlarge the boundaries of science—to enrich it by his discoveries—and to lay the foundation of systems, which the labours of future philosophers might ripen to maturity. The friend and disciple of Tycho Brahé, he had the advantage of a constant residence with that great practical astronomer, during the latter years of his life: and at his death, he obtained the accumulated mass of observations, which the incessant labour of one-and-twenty years at his Observatory, in the little island of Huon, had enabled him to collect. These observations formed, in fact, the groundwork of Kepler's discoveries; and the great services they were thus the means of rendering to astronomy, sufficiently atone for the erroneous ideas they led Tycho to adopt, in his misconceived system of the universe. In the hands of Kepler, they produced the three most important discoveries which have ever been made in natural science. He began his inquiries respecting the form of the planets' orbits, conceiving, with Copernicus, that they moved in circles with an uniform motion; and by a most fortunate chance he fixed upon Mars, as the planet whose

motions he should first investigate. His choice of Mars was fortunate, inasmuch as the orbit of this planet is one of the most eccentric in the system; so that the inequalities, and consequently the laws of its motion, were more easily detected. He soon perceived, that supposing the orbit to be circular, the sun was not situated in the centre, as had been supposed, but in some intermediate point between the centre and circumference. To discover this point, that is, to find the eccentricity of the orbit, was his next inquiry. He proceeded by tentative methods, of the most laborious kind; he made no less than seventy suppositions before he got one to agree with observation. Having determined the eccentricity, he proceeded to compare the latitudes in opposition, and the longitudes out of opposition, computed upon his hypothesis, and those found by observation. A very marked difference between them, led him to suspect that the error was in his hypothesis, and not in the inaccuracy of Tycho's observations: He then conjectured, that the orbit of Mars was not a circle; but, undismayed by want of success, he resolved to give it another and a fuller trial, upon a different plan. He observed two positions of the earth when Mars was in the same part of his orbit,—he then found the difference of the longitudes of the Sun and Mars;—and thence, by a trigonometrical calculation, ascertained the distance of Mars from the Sun. In this manner he observed three distances; and then calculated the same three distances on his hypothesis of the circular orbit, and compared them with the observed distances: But here, as in his former process, the difference was so great, as to compel him altogether to abandon the supposition that the orbit of Mars was a circle. The result of his attempts, however, was such, that he was persuaded the orbit did not materially differ from that form. It must therefore be an *oval*; * and if so, there was no figure so probable as an ellipse, having the sun in one of the foci. Upon this hypothesis, which certainly was not the result of chance as some have been hardy enough to assert, he again calculated the three distances, and found they agreed most accurately with observation.

The orbit of Mars being thus determined, he naturally imagined, that the other planets described similar orbits about the sun. Applying the same tests, his conjecture was verified, and the great and important truth was at last established,

* Orbita planetæ non est circulus, sed ingrediens ad latera utraque paulatim, iterumque ad circuli amplitudinem in perigæo exiens, cujusmodi figuram itineris *ovalem*, appellitant.

De Motibus Stellæ Martis. p. 213.

that *the planets revolve in elliptic orbits of small eccentricity, having the sun situated in one of the foci.* His next object was to find an area of the ellipse proportional to the time—(he had already proved, that areas described by a line drawn from the sun to a planet, were proportional to the times of description); and this is what is called Kepler's Problem. The accurate solution is by no means easy. Mr Woodhouse has given two methods;—in the first, he has deduced equations from which an accurate solution may be obtained, the further investigation of which is reserved for the second volume of this work;—the other is an approximate method, considerably easier—and although it does not give a complete solution, it is sufficiently accurate for the purposes of the practical astronomer. But before this problem can be used in determining the sun's place, it is necessary that the position of the apsides of the sun's orbit be known.

Our attention is next directed to the longitude and progression of the Aphelion; and the method of finding these is that given by Lacaille. Mr Woodhouse next illustrates, by an example, the manner of determining the Sun's longitude from Solar Tables, constructed by means of Kepler's Problem; and shows, that the result differs from the Sun's longitude, as expressed in the Nautical Almanack, by a small error of 47″. Hence Kepler's Problem will not alone suffice to determine accurately the sun's place. The above error will require a correction;—and this is supplied by investigating the inequalities of the Earth's motion, produced by the disturbing forces of the sun and moon. 'We have then to consider these bodies, whose masses are known, projected from given points, in given directions and with given velocities, and gravitating to one another with forces that are directly as their masses, and inversely as the squares of their distances,—to trace the orbits they describe, and to find their positions at any given time. This is no other than the celebrated problem of the Three Bodies; and so great is its difficulty, that the highest refinements of modern analysis, have hitherto been inadequate to furnish a general and complete solution. The problem of Two Bodies gravitating to one another, was fully solved by Newton; but when he attempted, by a similar process, to find the place of a body attracted by one, and at the same time disturbed by another body, the instruments he employed were insufficient to combat the extreme difficulties of the case. His inquiries, however, were not altogether fruitless; he detected five very remarkable inequalities in the Moon's motion, which he explained by the disturbing force of the Sun; and his theories, verified by the researches of succeeding mathematicians, and by methods of calculation essentially different from those which he

employed, create in us the greatest astonishment, that a man, by the force of his single genius,—no way benefited by the speculations of those who went before him,—no way assisted by the efforts of his cotemporaries—should have made such progress in a science so abstruse. 'To estimate his merit,' as Mr Woodhouse tells us, 'we must take science as he found it, and as he left it. He did not merely add to, or beautify a system. Newton's merit was more than that of having left marble what he found brick: For he laid the very foundations of Physical Astronomy, and furnished the materials and means of putting them together.'

The investigation of these different inequalities, as well as those which arise from the disturbing forces of the planets, do not belong to Plane Astronomy. The inquiry is therefore reserved for the second volume.

The Planetary succeeds the Solar theory. In this the heliocentric and geocentric longitudes and latitudes of the planets, and their periods, are fully discussed. This is followed by the Lunar theory, which, in our opinion, ought to have preceded it. The inequalities affecting the earth's orbit, and those affecting the moon's, are so intimately connected in the problem of the Three Bodies, that the Solar and Lunar theories should not have been separated. Moreover, this is the arrangement which is followed in the second volume of this work. The eclipses of the sun and moon, too, would have fallen better in with this order, and the simplicity of the whole been more completely preserved. This volume concludes with the various methods of finding latitudes and longitudes. Among these, the very useful way of determining the longitude of a ship at sea, by the distance of the Moon from the Sun, or from a fixed star, is explained at some length. Borda's formula for correcting that distance, by making allowance for the effects of parallax and refraction, is also given here.

We have insensibly protracted our remarks upon this volume so much, that we shall have less room to give to the second volume than we could have wished. But we cannot close this, without a single remark upon Mr Woodhouse's language throughout the whole book. In a subject like Plane Astronomy, where there is less of mathematical reasoning, and more of familiar explanation, it is most essential that such explanations be given in a full and distinct, but at the same time in as concise and compendious a manner as possible. Mr Woodhouse seems to have been so well aware of the first requisites, that the necessity of the others has altogether escaped him. He endeavours, at

all times, to be so lucid, that his explanations, like cross lights thrown upon a picture, tend only to perplex the subject; and, by bewildering our intellects, prevent us from obtaining any clear or distinct notions respecting it. We have not room to give many extracts to instance this obscurity of style—but they occur perpetually. We open the book at random, (at the ninth page, for example), where Mr Woodhouse is instructing us respecting the motion of the sun:—It is thus announced—'The Sun has evidently a proper and peculiar motion. He moves towards the stars that set after him, and from the stars that rise before him. In other words, amongst the fixed stars he moves from the west towards the east; that is to say, to a spectator in our hemisphere facing the south, from the right hand to the left.' Add to this, that the sun appears to us to move from east to west; and we venture to affirm, that the generality of readers, upon perusing the above explanation, will exclaim, 'Then, in the name of all that is lucid, how *does* the sun move?' Mr Woodhouse seems also to labour under a perpetual apprehension lest the proportion of the lines in his figures, not being always accurately kept, should lead his readers into error, or weaken the vigour of his demonstrations. His concern about this mistake seems quite disproportionate to the danger; and the earnestness with which he cautions the reader against it, seems to us sometimes ludicrous.

We come now to the second volume—containing Physical Astronomy, in which Mr Woodhouse appears to much greater advantage. The principal objects of inquiry are, the Solution of the Problem of the Three Bodies, and the Investigation of the Motions and Perturbations of the Principal Planets. Some other inquiries relating to this subject are slightly entered into, and many wholly omitted. Indeed, from the size of this volume, it is impossible that the greater part of this extensive subject could be contained in it. But the topics we have mentioned are very fully discussed, and the investigations carried on, as far as is requisite for the purposes of this work. It is admirably adapted to be a stepping-stone to the Méchanique Céleste of La Place; but it is not intended to be a complete system in itself, nor are its processes pursued to that degree of accuracy necessary for the construction of Lunar or Planetary tables. But we must object to its being called an Elementary Treatise. The theories it contains are of a very abstruse and complicated nature in themselves; and, even to understand the language in which they are explained, requires a considerable knowledge of the principles of the Calculus, and no small degree of proficiency in its

use. In one respect, Mr Woodhouse has endeavoured to make it as elementary as the nature of the subject would admit, in all connected with the theory of motion: Accordingly he begins by deducing the differential equations of motion from the first principles of Dynamics; and the methods he uses are in conformity with the algebraical reasoning employed throughout the whole. All the forces acting on a material point, whatever be their directions, or the number of planes in which they lie, are treated by resolving them into three forces parallel to three axes at right angles to one another: It is obvious, that the effects of each resultant will be independent of the other two, and therefore we may apply to each the differential equations of motion, modified according to the circumstances of each particular case.

But although this, in itself, is very elementary, it will appear by no means simple to the general run of readers. The time is not yet come, when this elegant and comprehensive mode of considering forces, shall be generally taught in this Island: but we hope the period is not far distant, when the Treatises of Francœur and Poisson will supersede the laboured Introduction of Keil, and the Superficial Mechanics of the reverend Doctor Wood of St John's.

Following the method we have just related, Mr Woodhouse demonstrates Kepler's law of the equable description of areas, whatever be the central force. In like manner, when the force is supposed to vary inversely as the square of the distance, the orbit of the trajectory is found to be an ellipse; and the periodic times of bodies revolving in different elliptic orbits, are shown to be in the sesquiplicate ratio of the major axes of their orbits. The exact analytical solution of Kepler's problem is also given here, by means of La Grange's celebrated theorem for computing some function of a quantity, having that quantity expressed in functions of certain other quantities whose relations are known.

We have seen easier and better demonstrations of the propositions we have alluded to, in many works on Mechanics (for example, in Francœur, Traité de Dynamique); and we think that, in a work which does not pretend to a great deal of originality, the author would have done well to have availed himself of such.

In the Fourth Chapter, our author, determining the elements of a planet's orbit, says, 'In order to introduce the consideration of the other elements, the inclination and longitude of the nodes, we must *resume* the three differential equations, which are,' &c. p. 37.

Now, the differential equations which Mr Woodhouse here talks of *resuming*, have never been mentioned in any of the fore-

going pages; and, what is more extraordinary, no notice is taken of them in the 60 pages which follow; not until the seventh chapter, when they are *deduced* from the three differential equations that belong to the theory of the Moon: They are, in fact, modifications of certain expressions—the integration of which contains the solution of the problem of the Three Bodies—taken on the supposition that there is no disturbing force: Their integration affords a complete solution of the problem of Two Bodies. In a part of the work which professes to be elementary, this is a very unpardonable negligence.

We begin, in Chapter the Fifth, to enter upon the theory of Perturbations; and to consider the effect produced by the introduction of a third body into the system. Expressions for the different parts of the disturbing force are deduced, previous to the more full discussion of the problem of the Three Bodies.

The object of the next Chapter will be best learned in our author's own words.

'If we take no account of the disturbing force that acts perpendicularly to the plane of the bodies' orbit, then the forces acting on the body are two, and the integration of the equations would be the solution of a problem, in which it should be required to find the curve described by a body acted on by two forces, one in the direction of the radius, the other in a direction perpendicular to the radius. It was under the terms of this latter statement that Clairaut first proposed the question of the Lunar Orbit. The force in the direction of the radius, in part arose from the mutual attraction of the Moon and Earth, and in part from the Sun's disturbing force. The other force that acted perpendicularly to the radius, originated wholly from the Sun. D'Alembert, although he derived his differential equations by a process different from that which Clairaut followed, yet, like him, reduced to a similar statement the Lunar theory.'

'The shortest and most direct way of proceeding, would be immediately to deduce and integrate the differential equations above mentioned; that is, in other words, to solve the problem of the Three Bodies: But the difficulties of that problem are such, that it is desireable, and especially in an Elementary Treatise like the present, to lessen them by all possible means. We shall therefore consider whether there are any obvious inferences that present themselves on the introduction of a third disturbing body into the system of two bodies. The third body, as we have already seen, destroys the equable description of areas, and the elliptical form of the orbit. The disturbing force of the Sun, for instance, prevents the Moon from describing an ellipse round the Earth; and the disturbing force of the Moon prevents the Earth from describing an ellipse round the Sun. Neither the Solar nor Lunar theories, therefore, can be exactly constructed according to Kepler's laws. But may not the point called the cen-

tre of gravity, which, in the doctrines of Equilibrium and Dynamics, possesses several curious properties, possess some here? May it not, notwithstanding the agency of disturbing forces on the bodies of the system, observe, either exactly or nearly so, Kepler's laws? The inquiries of mathematicians in the rise of Physical Astronomy, would be naturally directed to this subject. Newton considered it in the first propositions of his eleventh section: And, as it will soon appear, the laws of the motion of the centre of gravity, and the form of the curve described by it, belong to an investigation more difficult than the preceding, but less so than those that follow. We shall find ourselves, indeed, at a problem intermediate to the problems of two and of three bodies; and although its solution is not essential, and might be dispensed with, yet it is a convenient solution, will illustrate the matter of inquiry, and will furnish, in some instances, very easy methods of computing the effects of disturbing forces. For these reasons, we shall briefly consider it in the following chapter.' p. 70, 71.

Some of the succeeding chapters are devoted to the solution of the Problem of the Three Bodies. The history of this celebrated problem was so fully entered into in a former Number, that it is unnecessary to detain ourselves with it in this place. We proceed to the inquiry which follows this solution, and which, from peculiar circumstances attending it, is too interesting to be altogether passed over in silence: We allude to the Progression of the Lunar Apogee. The determination of this progression, was one of the earliest inquiries attempted by Clairaut, the first man who made any material researches in physical astronomy after Newton. He began his inquiry upwards of half a century after the publication of the Principia;—keeping always in view the principles laid down by Newton, but pursuing his calculations by methods peculiarly his own. He was naturally led to consider the progression of the Lunar Apogee, from the state in which it had been left by Newton. By him, it had been in part explained, in his 11th section—upon principles established in his 9th section—by taking into account the effect produced by one part only of the Sun's disturbing force, namely, the central disturbing force. He demonstrated, that this force would cause a progression; but, from omitting to estimate the effect of the tangential force, he was unable to calculate the *amount* of the progression, and thus left it in a very imperfect state. When Clairaut first computed this, his result gave only *one half* the quantity found by observation: And what is very remarkable, Euler and D'Alembert, separately engaged in the like inquiry, produced at the same time with Clairaut the results of their researches, and they were all three found to coincide. This seemed very strongly to militate against the

theory of Gravitation. So much so, that Clairaut, convinced that theory was insufficient to account for the Lunar inequalities, proposed a different law to represent the force by which the Moon is attracted by the Earth. Clairaut's law, which was of the form $\frac{a}{\{dist.\}^2} + \frac{b}{\{dist.\}^4}$, was vehemently opposed by Buffon, from its want of simplicity; and he was induced to reconsider the inquiry. A careful examination of the steps of his process, discovered the error; which lay in one part of the integration of that differential equation, which afterwards acquired such celebrity in all solutions of the problem of the Three Bodies. It is impossible, in this place, to explain either the error, or the method by which it was corrected. We must refer our readers, for this most interesting subject, to Mr Woodhouse's work, in the beginning of the thirteenth chapter: The full explanation of the whole process, which is there given, is particularly worthy of attention. A mistake respecting this error has prevailed among several writers, which ought to be corrected. It has been stated that Clairaut's error was one of approximation—that it arose from the omission of certain terms, which, from their minuteness, would not affect the accuracy of the result. This idea is quite erroneous. The error consisted in not repeating the integration of a differential equation of the second order, with the assistance of a particular value, found, for a certain quantity in the differential, by the *first* integration. But, as we said before, it is absurd to attempt any explanation of a process of this sort, in words. Unless we could exhibit the calculations, we have no chance of being intelligible. The result of this correction was, that it made the progression amount to 3° 3′ 18″; while the most accurate observations determined it to be 3° 2′ 22″. The almost perfect agreement of these results, afforded the most satisfactory confirmation of Newton's principle; and established, more firmly than ever, the important truth, 'that the Moon is retained in her orbit by her gravitation to the Earth, with a force which is directly as the mass, and inversely as the square of the distance.'

Curious and important as this error may be, and highly interesting to those who, like us, love to trace the history of science, we cannot but object to its finding a place in a volume already too small to admit many topics more intimately connected with the subject of the work. Our author himself says, 'The inquiry is a futile one, and deserves to be considered solely by means of a sort of historical importance attached to it; since some mathematicians, fancying themselves treading in the very footsteps of Newton, have sought for the quantity of the proposition solely on the principles of the ninth section.' p. 195.

The Planetary Theory follows in the 16th Chapter. We might at first sight be led to suppose, that exactly the same methods used in the solution of the problem of the Three Bodies, might be applied to the case of a planet revolving round the Sun, and disturbed by the action of another planet. Apparently, there is every resemblance between the cases of Venus revolving round the Sun, and disturbed by the Earth, and the Moon revolving round the Earth, and disturbed by the Sun. The difference in process, in the solution of the two cases, requires some explanation. It consists in this;—The value for the whole force in the direction of the radius vector, which is made use of in both solutions, is obtained by the expansion of a quantity of the form $\frac{1}{y^3}$; in which expansion, in the case of the *Lunar* Theory, all terms after the second are omitted.—And this rejection does not affect the accuracy of the result; because a quantity whose value is $\frac{1}{400}$, enters into all the terms; but in the case of a planet, this quantity is so much larger, that its square, cube, &c. cannot be neglected:—For instance, in the case of Venus, the quantity we speak of is .723332: consequently, the expression for the central force, is essentially different in the Lunar and Planetary Theories. In this respect, the latter is, perhaps, more complicated than the former; but, on the whole, it is considerably easier. 'The chief cause of which is, the smallness of the disturbing force of any planet, compared with the Sun's disturbing force. The Lunar perturbations require *thirty* equations; but *three* are sufficient to express the inequalities of Venus, produced by Jupiter's action.' On the whole, therefore, the disturbances of the Planets are more easily calculated and reduced into tables than those of the Moon.

In the Twentieth Chapter, the disturbances which the Satellites of Jupiter suffer from their action on one another, are considered. By a singular relation which subsists between the mean longitudes of the three first satellites, we are enabled to express each of their inequalities in longitude by a single term. The singularity we allude to, was discovered by observation. It is this; that *the mean longitude of the first satellite, minus three times that of the second, plus twice that of the third, is very nearly equal to* 180°. La Place has shown, that if the mean motions of satellites were originally adjusted nearly in this proportion, that their mutual action upon one another would always tend to bring their motions more and more accurately to coincide with it.

From the Twenty-first Chapter, certain Variations of the Elements of the Planets' Orbits, are considered;—and methods

of determining the masses of Planets that have Satellites, close the volume.

If the Planets were acted on by the Sun alone, they would describe orbits nearly elliptical round that luminary: But as they are affected, at the same time, by a mutual action among themselves, certain inequalities and perturbations arise, which must be computed, in order to construct accurate tables of their motions. In this, as in the problem of the Three Bodies, the present state of Analysis will not suffice for an exact solution. We must therefore be satisfied with an approximation. The difficulties are lessened, however, from this, that the masses of the Planets are exceeding small, compared with the Sun's magnitude; and that the eccentricities and planes of their orbits, vary within narrow limits. Those perturbations, which can only be detected in the lapse of ages, are known by the name of *Secular* Inequalities. The other inequalities, discovered in their own motions, and in the motions of their nodes and perihelions, are called *Periodic*. The inequalities of Jupiter and Saturn are considered by Mr Woodhouse at some length. The important results which followed, when these were first successfully investigated by La Grange and La Place, deserve some notice.

It was observed by Flamstead, in the year 1682, that there was a retardation of the mean motion of Saturn, and an acceleration of that of Jupiter. This retardation was inconsistent with any thing founded on the principles of gravitation; and it was thence concluded by mathematicians, that the disturbances of these two planets proceeded from a cause that in some essential point differed from their attraction on each other. Euler, who first endeavoured to reconcile these phenomena, altogether failed in the attempt. La Grange and La Place, who also turned their inquiries to the same object, met at first with no better success. Soon after this, La Grange, by the calculus of variations, a highly refined analytical artifice, invented by him to facilitate the solution of Isopereimetrical problems, succeeded in demonstrating the remarkable fact, that the mean periodic revolutions of the planets, and the major axes of the orbits they describe round the sun, *remain for ever the same.* Consequently the inequalities in the mean motions and distances must be *periodical,* and not subject to *secular* acceleration or retardation. But this discovery, so far as regarded Jupiter and Saturn, only made the matter worse—it made the acceleration of the one, and retardation of the other, more anomalous than ever—and, like Clairaut's investigation of the progression of the lunar apogee, it threatened to form a striking exception to motions

which were referred to gravitation, if not to overthrow the theory itself:—But, like Clairaut's, it ended by being one of its strongest confirmations. Struck with the contradictory results which seemed now almost established as true phenomena, La Place examined the steps of his process with unwearied attention; and at last succeeded in discovering the true cause of the secular inequalities in the mean motions of these planets. He conceived, that if the phenomena were to be explained by the mutual action of the two planets; that if Jupiter caused a retardation in the mean motion of Saturn; Saturn, by his action, must reciprocally produce an acceleration in the mean motion of Jupiter. Revising his operations, he found that those terms which involved the third power of the eccentricity, (which Euler had neglected, and hence obtained no results), were very minute in the *differential*, but became, in the particular case of Jupiter and Saturn, of such value in the *integral*, that they could not be rejected, without vitiating the results. Retaining them, therefore, the solution turned out as he expected; it showed that Jupiter and Saturn had *corresponding* inequalities, which were of *different affections*, but of equal duration, the whole period of each being somewhat greater than 900 years. The one inequality retards Saturn's motion during half this time—while the other accelerates Jupiter's,—and, during the other half of the period, the contrary effect takes place. These corresponding accelerations and retardations were thus explained by the mutual attraction of the two bodies, and referred for their cause to the general principle of gravitation.

There are no phenomena, in the whole system of the universe, which more powerfully call forth our wonder and admiration, than these;—that the major axes of the planets' orbits are invariable, and that their mean periodic revolutions are always the same. While the other elements of the orbit are perpetually changing—their elliptic forms at one time approaching to circles, at another differing from that form by a sensible eccentricity—their apsides, and the lines of their nodes, constantly varying in position—the inclinations of the planes of their orbits oscillating between their greatest and least variation;—we are yet assured that the *stability* of the system is secure from decay—that, by the wise dispensation of the Great Author of its formation, it is everlasting, permanent, immutable.

In concluding, we cannot but congratulate the country on the appearance of the first work calculated to convey an accurate notion of the methods used in the later and more profound researches of Physical Astronomy; the only methods, for what

has yet appeared, by which those researches can be successfully prosecuted. The exposition of them now submitted to the public, is clear and distinct, and as elementary as it can easily be rendered. The principal obstacle to their being generally received amongst us, and used to supersede the older methods, which, however elegant, are so much less powerful, seems to be the want of a text in the higher Geometry, or in the Fluxionary Calculus, to which reference might be made. We have no book in English that is in the least calculated to answer that purpose; none where the Integration of Fluxionary Equations is delivered with the necessary extension; none in which the method of *Partial Differences* is explained, or where the method of *Variations* is so much as mentioned. These great defects must be supplied, before the Geometer can penetrate into the depths of Mechanicks, Hydrodymicks, or Astronomy. A translation, or a judicious abridgment of Euler's *Differential and Integral Calculus*, would be the best present that could be made to the English mathematician. It is by such means only that we can hope to vie with our continental neighbours in the pursuits of Philosophy.

While we rejoice at the rapid progress that has been made in the natural sciences, during the last century, and exult in the idea that this has been effected by the increased intellectual attainments of man, we feel with regret how little Great Britain has contributed to this great work. Since the time of Newton, almost every thing that has been done in Physical Astronomy, has been done by the Mathematicians of the Continent. To account for this, it has been said, that a consciousness of inferiority in the knowledge of the higher Mathematics, has kept us back: And, as a proof of this inferiority, is adduced the fact, that the more extensive methods of analytical calculation have not been introduced into England till within these few years; and that the higher parts of the Calculus, as the method of partial differences, the calculus of variations, are even now unknown in the mathematical institutions of this Island. To this argument we allow its full weight;—that it is a proof of our present inferiority in mathematical learning, cannot be denied. But in a country which has done more for chemistry, than all Europe put together, which has given greater encouragement to the arts—to agriculture and manufactures—to literature and general science—than any nation on the face of the globe,—a charge of intellectual inferiority cannot be well founded. Our deficiency in Mathematics, the obstacles that have perpetually opposed the introduction of the Calculus into Great Britain, must be accounted for on different grounds.

An extreme reverence for that immortal work, the Principia of Newton, contributed to strengthen, instead of weakening the attachment which the older geometers evinced to the synthetical methods; and operates, even to the present day, to the exclusion of those which are purely analytical. What that book has done for mathematical science in general, but more especially for Physical Astronomy, has appeared in the preceding pages; and we are sure no mathematician, grown gray in the service of Geometry, would lament more than we should, were it suffered to fall into oblivion:—But if we wish to share in the discoveries of our neighbours, we must now resort to the use of a more powerful instrument, by introducing the means which they have employed, even though our pride may suffer by the change. In addition to this feeling, which encouraged Geometry rather than Algebra, another cause may be mentioned, which we believe to have no inconsiderable effect against the advancement of the higher branches of the Mathematics in this country, namely, the very extensive dissemination of *general knowledge*, which is so much the case over the whole of this kingdom. Literature and the Arts give abundant occupation to the mind of a man of liberal curiosity, and leave less inducement to attach himself to abstract studies. Formerly, Theology and School Logic were essentially necessary to a man of education; and the different branches of Mathematics, and comparatively lighter studies, were pursued as a relief to the mind. Now-a-days, a man must be conversant in chemistry, mineralogy, entomology, modern languages, history, politics, and fifty hard-worded studies beside—so that, in fact, unless he chuse to devote himself almost exclusively to Mathematics, he has little chance of aspiring to discovery, or even to eminence, in that pursuit. Besides that the peculiar formation of society now, makes a man ashamed to appear ignorant upon such topics as we have mentioned, there are really so many opportunities of acquiring them perpetually thrown in his way, that it would need no small portion of ingenuity to escape picking up a little here and there. There never was a period in which museums, lectures, picture-galleries—for the arts; abstracts, reviews, encyclopædias—for literature; newspapers, pamphlets, and public meetings—for politics; were so abundant, and supported with so much spirit as the present. Our very ladies will discourse you most eloquently upon transition rocks, hydrogen and oxygen; and would consider it the worst of scandal to be thought illiterate. Now, in France, while every encouragement is given to this sort of general knowledge, yet no opportunity is neglected to promote mathematical knowledge in particular. That admirable establishment the

Royal Academy of Paris, where pensions and honours are heaped upon those who devote themselves exclusively to works of science, keeps alive the spirit of discovery; and, from the effect it has already produced in promoting the interests of science, we may safely look forward to its advancing them to still higher state of perfection. In England, the only inducement to invention or discovery, is the hope that, by making sufficient interest, the Royal Society may be prevailed upon to allow the paper to be read before them. It is indeed much to be lamented that this Institution, intended for the advancement of science, should hold out so little encouragement to Mathematical learning.

There is another establishment in France, which is of the utmost use in this way—we mean the Polytechnic School, founded by Bonaparte. It is composed of boys chosen out of every department, in each of which there is an examination, chiefly in Mathematics, once a year. Two or three of the best proficients are selected for this school, at which they are instructed by professors in every branch of science, and excited to emulation by a judicious distribution of honours and rewards. We have lately learnt, with much satisfaction, that something on this plan has been begun at Liverpool, promoted by the subscriptions of the merchants of that place, with that judgment and liberality which characterizes all their public proceedings.

Once more we return Mr Woodhouse our thanks for his work upon Astronomy. We trust he will go on with it, and add another volume upon those important parts of the subject which yet remain;—The Nutation of the Earth's axis—the Precession of the Equinoxes—the Tides—Figure of the Earth,—will afford ample food for further speculation. We hope he will take advantage of them. We omitted to notice, in our remarks on the volume on Plane Astronomy, that no explanation is given of the method of Interpolation, which is of such extensive use in astronomical observations. The places of the heavenly bodies can be known by observation, only for instants—separated from one another by certain finite intervals of time. By the method above mentioned, their places can be determined for any time we choose, or, if necessary, for every moment. No man has done so much to improve the studies of Cambridge as Mr Woodhouse. His Trigonometry may be said to have introduced the New Calculus into that university. We hope the present work will serve still further to recommend it,—and to make its value known, not to the Student only, but also to the Master.

Art. VIII. *The History of Java.* By Thomas Stamford Raffles, Esq. late Lieutenant-Governor of that Island and its Dependencies. In two Volumes, with a Map and Plates. Quarto. Printed for Black, Parbury and Allen, Leadenhall-Street, and John Murray, Albemarle-Street, 1818.

We now redeem our pledge to the public, by offering some account of the very valuable work before us; which presents, to the British reader at least, the only authentic and detailed account of a land of eminent fertility and happy situation, inhabited by an interesting race of people, hardly fewer than five millions in number; and whose history, it is now discovered, chiefly by the industry of our countrymen, is connected with that of the three great civilized nations of continental Asia—the Hindus, the Chinese, and the Arabs.

Of the stock of important information contained in Sir Stamford Raffles's two large volumes, it is but a small share which our limits will enable us to give. We hasten, however, to give such a sketch as those limits will afford; and we shall do so under the heads of *Topography—Climate—Physical and Moral Character—Inhabitants—Government—Law* and *Religion—Amusements—Language* and *Literature—Agriculture—State of the Arts—Population—Civil History* and *Revenue;*—summing up the whole with a few remarks on *Colonization.*

The word *Jawa*, corrupted by Europeans into Java, with less violence than usual to Asiatic orthography, is properly the name of the principal nation of the island, bestowed, as is common in such cases, (of which we have a domestic illustration in the word *England*), upon the whole territory, and requiring, in the original, the addition of some such words as *land, country, island,* &c. &c.—making the land, the country, or island of the Jawa.

Java lies between the longitudes of 105° 11′ and 114° 33′ east of Greenwich, and between 5° 52′ and 8° 46′ of south latitude. Its extreme length is 666 statute miles, and its extreme breadth about 135; but that breadth is very unequal, and in some places does not exceed 50 miles; so that the area of the island is little more than 50,000 square miles. Madura, an island lying close to Java, where it is narrowest, and seeming to form a part of it, is 91½ English miles in length, and about 31 in breadth.

The most remarkable circumstance in the form of Java thus appears to be its irregularity, narrowness, and great length,—which necessarily give it an extraordinary extent of coast, ren-

der all its parts remarkably accessible, and have, in all probability, contributed to its early civilization and improvement.

The island, however, is rather deficient in harbours; the north coast affording but one good one, that of Sus-abaya, formed by the vicinity of Madura, with one good road-stead, that of Batavia; which indeed, from the depth of the bay, and the number of islands which shelter it, may almost deserve the name of a harbour. The mildness of the seasons, and the tranquillity of the seas, the absence of typhoons, hurricanes, and storms, render this less a defect than it would prove in less favoured latitudes.

'Passing from the coast to the interior of the country,' observes Sir Stamford Raffles, 'the stranger cannot fail to be struck with the bold outline and prominent features of its scenery. An uninterrupted series of large mountains, varying, in their elevation above the sea, from five to eleven, and even twelve thousand feet, and exhibiting, in their round base and pointed tops, their volcanic origin, extend through the whole length of the island. The several large mountains comprised in this series, and which are in number 38, though different from each other in external figure, agree in the general attribute of volcanoes, having a broad base, gradually verging towards the summit, in the form of a cone.'

They all rise from a plain, but little elevated above the level of the sea; and each must be considered as a separate mountain, raised by a cause independent of that which produced the others. Most of them have been formed at a very remote period, and are covered by the vegetation of many ages; but the indications, and remains of their former eruptions, are numerous and unequivocal. The craters of several are completely extinct; those of others still contain small apertures, which continue to discharge sulphureous vapours and smoke: and many of them have had eruptions during late years. 'Besides the mountains of the larger series above described, there are extensive ranges of mountains of inferior elevation, sometimes connected with the larger series, and sometimes independent of them, which are also for the most part volcanic. Numerous ridges of hills traverse the country in various directions; and the surface of the island, in general, independent of those more striking features, is in the most part undulating and uneven, except on the seacoast.

'A country which abounds in mountains, is seldom deficient in rivers; accordingly, no region is perhaps better watered. Java is singularly favoured in the number of its streams. The size of the island does not admit of the formation of large rivers; but there are probably fifty, that, in the wet season, bear down rafts charged with timber, and other rough produce of the country; and not less than five or six, at all times navigable, to the distance of five or six miles

from the coast. It would be vain to attempt numbering those which are precious to the agriculturist; they are many hundreds, if not thousands.'

The following is a description drawn with equal happiness and fidelity, of this fine island.

'The general aspect of Java, on the northern coast, is low; in many places swampy, and overgrown with mangrove trees and bushes, particularly towards the west. The southern coast, on the contrary, consists almost entirely of a series of rocks and cliffs, which rise perpendicularly to a considerable height. In the interior, stupendous mountains stretch longitudinally throughout the island; while others of an inferior elevation, and innumerable ranges of hills running in various directions, serve to form and confine plains and valleys of various elevation and extent. On the northern side, the ascent is in general very gradual from the seacoast to the immediate base of the mountains, particularly in the western part of the island, where it has the greatest breadth, and where the mountains are situated far inland.

'Although the northern coast is in many parts flat and uninteresting, the interior and southern provinces, from the mountainous character of the country, may be reckoned amongst the most romantic, and highly diversified in the world; uniting all the rich and magnificent scenery which waving forests, never-failing streams, and constant verdure, can present; heightened by a pure atmosphere, and the glowing tints of a tropical sun.

'Quitting the low coast of the north, in many parts unhealthy, the traveller can hardly advance five miles inland, without feeling a sensible improvement in the atmosphere and climate. As he proceeds, at every step he breathes a purer air, and surveys a brighter scene. At length he reaches the high lands. There the boldest forms of nature are tempered by the rural arts of man; stupendous mountains clothed with abundant harvests; impetuous cataracts tamed to the peasant's will. Here is perpetual verdure; here are tints of the brightest hue. In the hottest season the air retains its freshness; in the driest, the innumerable rills and rivulets preserve much of their water. These the mountain farmer diverts in endless conduits and canals, to irrigate the land, which he has laid in terraces for its reception; it then descends to the plains, and spreads fertility wherever it flows; till at last, by numerous outlets, it discharges itself into the sea.'

The account of the mineralogical structure of the island, is summed up by Sir Stamford Raffles as follows.

'From these and all other investigations yet made, the constitution of Java appears to be exclusively volcanic. From the vast Asiatic chain of mountains, one branch of which terminates at Ceylon, proceeds another, which, traversing Arrakan, Pegu, and the Malayan peninsula, extends to Sumatra, Banka, and Biliton, where it may be said to disappear. On Java no granite has been discovered. In its

constitution, as in its direction, it may be considered as the first of a series of volcanic islands, which extend nearly eastward from the Straits of Sunda, for about twenty-five degrees.'

This mineralogical constitution, we believe, is unfavourable to metals; and no ores are anywhere found sufficiently rich to reward the cost of washing them. A small quantity of quicksilver has been found; and here and there a little gold of a fineness not exceeding 16 carats.

The seasons in Java, as we may look for, are not a summer and a winter, in our European sense of the words, but a wet and dry season. The westerly monsoon, and, with it, wet and occasionally boisterous weather, is expected from October to March; and the easterly winds and fair season fill up the rest of the year. In the lands which do not rise high above the level of the sea, Fahrenheit's thermometer in the morning is from 70° to 74°, and at noon about 83°. In the hottest times, it rarely rises to 90° any where. As the land rises, the thermometer falls from 70° to 65° and 60° at noon; and on the summit of one of the mountains, it has been observed as low as 27°. 'Ice as thick as a Spanish dollar has been found; and hoar frost, denominated Bohan Upas, or poisonous dew, has been observed on the trees and vegetation of some of the higher regions.' After this account of the climate, we have the following most important remark on its salubrity.

'The general inference which has been drawn by professional men, from the experience which the occupation of Java by the British has afforded, is, that with the exception of the town of Batavia, and some parts of the northern coast, the island of Java stands on a level, in point of salubrity, with the healthiest parts of British India, or any tropical country in the world.'

Of the inhabitants and their manners, this is Sir Stamford Raffles's very sensible account.

'The inhabitants of Java and Madura are in stature rather below the middle size, though not so short as the Bugis, and many of the other islanders. They are upon the whole well shaped, though less remarkably so than the Malays, and erect in their figures. Their limbs are slender; and the wrists and ankles particularly small. In general they allow the body to retain its natural shape. The only exceptions to this observation are, an attempt to prevent the growth, or to reduce the size of the waist, by compressing it into the narrowest limits; and the practice still more injurious to female elegance, of drawing too tightly that part of the dress which covers the bosom. Deformity is very rare among them. The forehead is high, the eyebrows well marked and distant from the eyes, which are somewhat Chinese, or rather Tartar, in the formation of the inner angle. The colour of the eye is dark; the nose small and somewhat flat, but

less so than the islanders generally. The mouth is well formed; but the lips are large, and their beauty generally injured by the practice of filing and dying the teeth black, and by the use of tobacco, fire, &c. The cheek bones are usually prominent; the beard very scanty; the hair of the head generally lank and black, but sometimes waving in curls, and partially tinged with a deep reddish brown colour. The countenance is mild, placid, and thoughtful, and easily expresses respect, gaiety, earnestness, indifference, bashfulness, or anxiety.'—'In complexion, the Javans, as well as the other eastern islanders, may be considered rather as a yellow, than a copper coloured or black race. Their standard of beauty in this respect is a "virgin gold colour."—'The women, in general, are not so good looking as the men; and, to Europeans, many of them, particularly when advanced in age, appear hideously ugly.'—'The common people have little leisure or inclination for improving their minds, or acquiring information; but they are far from being deficient in natural sagacity or docility. Their organs are acute and delicate; their observation is ready, and their judgment of character generally correct.'—'Though deficient in energy, and excited to action with difficulty, the effect probably of an enervating climate, and a still more enervating government, they are capable of great occasional exertion, and sometimes display a remarkable perseverance in surmounting obstacles, or enduring labours. No people can be more tractable; and although their external appearance indicates listlessness, and sometimes stupidity, none possess a quicker apprehension of what is clearly stated, or attain a more rapid progress in what they have a desire to learn.'—'The Javanese are remarkable for their unsuspecting and almost infantine credulity. Susceptible of every impression that artifice may attempt to make upon them, and liable to every delusion propagated by the prejudiced or designing, they not inaptly compare themselves to a piece of white cloth, on which any dye or shade of colour may be laid. They lend an easy credence to omens, to prognostics of prophets, and to quacks. They easily become the dupes of any religious fanatic; and credit, without scruple or examination, his claim to supernatural powers.'

'When not corrupted by indulgence on the one hand, or stupified by oppression on the other, the Javans appear to be a generous and warm-hearted people; in their domestic relations they are kind, affectionate, gentle, and contented. In their public, they are obedient, honest, and faithful. In their intercourse with society, they display, in a high degree, the virtues of honesty, plain-dealing, and candour. Their ingenuousness is such, that, as the first Dutch authorities have acknowledged, prisoners brought to the bar on criminal charges, if really guilty, nine times out of ten confess, without disguise or equivocation, the full extent and exact circumstances of their offences; and communicate, when required, more information on the matter at issue, than all the rest of the evidence.'—'Hos-

pitality is universal among them; it is enjoined by their most ancient institutions, and practised with readiness and zeal.'—'They are more remarkable for passive fortitude than active courage; and endure with patience, rather than make exertions with spirit and courage.' —'They are little liable to those fits and starts of anger, or those sudden explosions of fury, which appear among northern nations.'

Sir Stamford Raffles informs us truly, that these acts of desperation, called *mucks*, are far indeed from being common; and he adds, 'atrocious crimes are extremely rare, and have been principally owing to misgovernment when they have occurred;'—an incontestable axiom, which applies to other people as well as the poor Javanese. The Government, or *misgovernment* under which this character is formed, is described by Sir Stamford Raffles as follows.

'The government of the Javanese is a pure unmixed despotism; but there are customs of which the people are very tenacious, and which the sovereign seldom invades.—His subjects have no right of liberty, of person or property: his breath can raise the humblest individual from the dust to the highest distinction—or wither the honours of the most exalted. There is no hereditary rank; nothing to oppose his will. Not only honours, posts and distinctions, depend upon his pleasure, but all the landed property of his dominions remains at his disposal, and may, together with its cultivators, be parcelled out by his order among the officers of his household, the members of his family, the ministers of his pleasures, or the useful servants of the State. Every officer is paid by grants of land, or by a power to receive from the peasantry a certain proportion of the produce of certain villages or districts.'

The orders of the despots are, as usual in the East, issued through a vizier (Patch). There is a higher and a lower class of privileged nobility, from among the first of which are chosen the officers of state, and the governors of provinces. The second are a class of executive officers, who administer the inferior details of government. Of the Oriental Archipelago, indeed, we may observe, that civilization and despotism seem to go hand in hand. Each tribe has a government, despotic in proportion as it is improved; and the scale may be traced from the naked negro tribes, who acknowledge no leaders, to the Javanese, who present a fine picture of unlimited despotism. Had we no other guides than the languages of the different tribes, these would afford ample testimony of the fact. The language of Java is actually divided into two speeches, more distinct than any two dialects of the same European tongue,—a language for the master, and a language for the slave. The same distinction is preserved as we descend in the scale of civilization; but less marked, until it disappears

altogether, among the rude tribes; with whom no form of government is discoverable. Civil liberty or freedom belongs then, perhaps, only to the very highest, or to the lowest stages of society. The constitution of some Javanese villages, presents a singular exception to the general despotism. In these we find sort of elective constitution; but it is among the mountains, the usual haunts of freedom, that we discover these slender relics of it. The state of Law and Religion need not detain us

'The judicial and executive powers are generally exercised by the same individual. The written law of the island, according to which justice is administered, and the courts are regulated, is that of the *Koran*, as modified by custom and usage. The Javans have been now converted to the Mahomedan religion, about three centuries and a half, dating from the destruction of the Hindu kingdom of Majapahit, in the year 1400 (A. D. 1478) of the Javan era. Of all the nations who have adopted that creed, they are among the most recent converts; and it may be safely added, that few others are so little acquainted with its doctrines, and partake so little of its zeal and intolerance.'—'The courts of justice are of two descriptions; those of the *Panghútu* or high priest, and those of the *Jaksa*. In the former, the Mahomedan law is more strictly followed; in the latter, it is blended with the customs and usages of the country. The former take cognisance of capital offences; of suits of divorce; of contracts and inheritance: They are also, in some respects, courts of appeal from the authority of the Jaksa. The latter take cognisance of thefts, robberies, and all inferior offences. Its officers are employed in taking down depositions, examining evidence, inspecting the general police of the country, and in some measure acting as public prosecutors: These last functions are implied in the title of the office itself, Jaksa meaning to guard or watch.'—'At the seat of government are supreme courts of the Panghutu and Jaksa: to these there is an appeal from similar, but inferior tribunals, established within each province. Petty tribunals, under like names, are even established under the jurisdiction of a *Demang*, or chief of a subdivision, and sometimes of a *Bahal*, or head of a village; but in these the authority of the Panghutu extend no further than to take down evidence to be transmitted to some higher authority, to settle petty disputes, and perform the ordinary ceremonies of religion, inseparable among the Javans, as well as all other Mahomedans, from the administration of justice.'—'Such, however, is the nature of the native government, that these officers are considered rather as the law assessors, or counsel, of the immediate inferior officer of the executive government, than the independent ministers of justice. In such cases as come before them, they examine the evidence, and point out the law and custom, to the executive officer, who is himself generally too ignorant and indolent

to undertake it. When the evidence is gone through, and the point of law ascertained, the whole is brought before him; at whose discretion it remains to pass judgment. It is, however, admitted that in matters of little moment, where his passions and interests are not concerned, the decision is left to the law officers; but in all matters of importance, he will not fail to exercise his privileges of interference.' This is truly an abominable picture of despotism.

The Amusements of the Javanese are a rude drama, where the actors are generally masked;—puppet-shows, dancing girls, as in other countries of the East;—tilts and tournaments, in which it does not appear that much dexterity is displayed;—the chase, rather awkwardly pursued;—the combat of the tiger and the buffalo,—and of the former with criminals, for the entertainment of the court!

'In an exhibition of this kind which took place about ten years ago, two criminals were exposed for having set fire to a dwelling. They were provided each with a *kris*, which was long, but broken off, or blunted, at the top; and the tiger was let in upon them separately, in a large cage constructed for the purpose. The first was soon destroyed; but the second, after a combat of nearly two hours, succeeded in killing the tiger, by repeated cuts about the head and under the ears and eyes. On this a smaller tiger, or rather leopard, was let in upon him; and the criminal being equally successful in this combat, was released. This success, as in the judicial ordeals of the dark ages, was taken for a manifestation by Heaven of his innocence, and not only secured his pardon, but procured for him the rank of a *Mantri*, as a recompense for the danger to which he was exposed in its vindication.'

This termination of the combat, however, we are obliged to remark, displays the refined ferocity of the native character, in a more favourable light than truth will allow; for the fate of the prisoner is usually inevitable, whatever be his dexterity or courage. The Javanese are incurable gamblers. They delight in cock and quail fighting, and even stake money upon a battle between *two crickets* or grasshoppers, the little warriors being stimulated to the fight by the titillation of a blade of grass! They are particularly addicted to games of chance, from the highest to the lowest. They form *a principal occupation of the court*; and the meanest labourers are to be seen in groups along the highways, women as well as men, staking their hard-earned wages,—and their arms and clothes, when the former are expended.

Of the interesting subjects of Language, and Literature, we can afford but a brief sketch. In Java and Madura, there are three distinct languages;—the Javanese, the language of the populous, fertile, and more civilized portion of Java;—the Sun-

da, the language of the mountaineers of the west end, embracing about a third of the whole area of the Island, but comprehending not more than a tenth of the population;—and the language of the Island of Madura. The two last are very rude and uncultivated languages, and bear to the Javanese, in many respects, the same relation that the Celtic languages of Britain bear to the English.—The languages of Java (and the same observation may indeed be extended to many others of the Archipelago, at least to all that have received any portion of cultivation) seem to be composed of four distinct parts. The first of these, and the basis of the language, is the aboriginal dialect of the Savage tribe, from which the nation sprung; the second, the great Insular language of Asia; the third the Sanscrit; and the fourth the Arabic.—Commercial intercourse has introduced, in minute portions, Persian, Chinese, Telinga, Portuguese, Dutch, and English,—which are yet hardly naturalized. The aboriginal savage dialect will be found distinct in every language. For the great and singular discovery of a general insular language, we are indebted to that indefatigable and able scholar Mr Marsden. This language extends from Madagascar, inclusive, to the South Sea Islands, the Philippines, and Guinea or Papua.—Of the people, by whom it was invented, not a record remains; every thing concerning them is lost in the wreck of time.—The Sanscrit language, introduced into the Archipelago, through the medium of Religion and Learning, and protected against oral corruptions by an alphabet formed on almost perfect principles, exists in great purity and abundance in the Javanese, the most cultivated of the Insular tongues. It becomes rare in proportion as the tribes become more barbarous; and the progressive decrease is traced through the Bali, the Madurese, Sunda, Malay, Battak, Lanpung, Bugis and Macassar, until it disappears altogether in the dialects of the savages or cannibals.—From this one fact we may easily estimate the great influence of the institutions of the Hindus, in civilizing the tribes of the oriental islands!

The Arabic language has followed, as usual, the Arabic religion; its influence has been mostly exerted on the maritime dialects, but is *considerable* in none. The Arabs, particularly in their decline, had not naval skill to make such distant conquests.—This, and their frequent harsh consonants, so foreign to the soft and vocal genius of the East Insular tongues, have contributed to exclude it. The Javanese language, in its structure, is remarkable for simplicity. It is copious to exuberance, and abounds in synonymous terms. It is, as already noticed, divided into a polite, and ordinary dialect; to which is to be

added, an obsolete dialect, the language of the priesthood of a former religion, and now superseded by the Arabic—perhaps, too, the language of literature, and the only written language, till banished by the apostles of Mahomedanism, when necessity suggested the adoption of the vernacular tongue;—as, with ourselves, the Reformation contributed to the disuse of the corrupted Latin, which was used in religion and literature before it.—The literature of Java, with exceptions too inconsiderable to deserve notice, is all poetical, or rather metrical. This is an incontestable proof of barbarism. People write for amusement, before they write for utility or instruction. It is only when they have something of intrinsic importance to tell, that they have recourse to sober prose. The Javanese authors still deal only in dreams, prodigies, supernatural agency, and mysteries; and their most recent as well as most ancient works are equally in verse.

Javanese literature may be classed under the four following subdivisions.—Songs, or odes, in the vernacular language.—Romances in the Kawi, or obsolete dialect, founded on Hindu legends adapted to Javanese localities;—Romances in the vernacular tongue, founded on ancient Javanese story;—and, lastly, Metrical Histories of the last three hundred years of Javanese history;—with a strange mixture of accurate detail, imbecile credulity, and monstrous absurdity, but still affording a faithful picture of the human mind, in this stage of society.

As usual in such cases, the Songs, the simple effusions of nature, are much better than the more elaborate efforts of bad taste, affectation, and puerility.—The Romances in the Kawi, or obsolete language, afford now and then a bold metaphor or simile, probably borrowed from the original Hindu stock, which deserves the name of Poetry; but the two remaining departments have nothing to redeem them from the charges of utter inanity, or trifling puerility. The following is a specimen from an epitome of the Maha-barat in the ancient Javanese. The appearance of the Pandu forces going to battle is described.

'Their march commenced with the morning, and with warlike shouts they quitted Wirata. All attired in red, like the sun beginning his flight from the ocean, they made their appearance. Like the sun when about to disperse light on the world, or when appearing over the summits of the hills, when the woods, the clouds, the mountains, and all nature partakes of the red hue of his morning beams, —thus appeared the army of the Pandus.'

We come next to the most important and perfect of their arts, that of Agriculture.

'The island of Java,' says our author, 'is a great agricultural

its soil is the grand source of its wealth. In its cultivation, iabitants exert their chief industry; and upon its produce they rely, not only for their subsistence, but the few articles of foreign luxury or convenience, which they purchase. The Javans are a nation of husbandmen, and exhibit that simple structure of society incident to such a stage of its progress. To the crop, the mechanic looks immediately for his wages, the soldier for his pay, the magistrate for his salary, the priest for his stipend, and the government for its tribute. The wealth of a province or village is measured by t and fertility of its lands, its facilities for rice irrigation, and e number of its buffaloes.

The soil of Java, though in many parts much neglected, is remarkable for the abundance and variety of its productions. With very little care or exertion on the part of the cultivator, it yields all that the wants of the island demand, and is capable of supplying resources far above any thing that the indolence or ignorance of the people, either oppressed under the despotism of their own sovereigns, or harassed by the rapacity of strangers, have yet permitted them to enjoy. Lying under a tropical sun, it produces, as before observed, all the fruits of a tropical climate; while, in many districts, its mountains and eminences make up for the difference of latitude, and give it, though only a few degrees from the Equator, all the advantages of temperate regions. The *bamboo*, the coco-nut tree, the sugar-cane, cotton shrub, and the coffee plant, here flourish in the greatest luxuriance, and yield products of the best quality. Rice, the great staple of subsistence, covers the slopes of the mountains and the low fields, and gives a return of thirty, forty, or fifty fold; while maize, or even wheat and rye, and the other plants of Europe, may be cultivated to advantage on high and inland situations. Such is the fertility of the soil, that, in some places, after yielding two, and sometimes three crops in the year, it is not necessary even to change the culture. Water, which is so much wanted, and which is seldom found in requisite abundance in tropical regions, here flows in the greatest plenty.—Nothing can be conceived more beautiful to the eye, or more gratifying to the imagination, than the prospect of the rich variety of hill and dale, of rich plantations and fruit-trees or forests, of natural streams and artificial currents, which presents itself to the eye in several of the eastern and middle provinces, at some distance from the coast.—The whole country, as seen from mountains of considerable elevation, appears a rich, diversified, and well-watered garden, animated with villages, interspersed with the most luxuriant fields, and covered with the freshest verdure.'—This indeed is a bright account of a land highly gifted.—' The farming stock of the cultivator is as limited as his wants are few, and his cottage inartificial. It usually consists of a pair of buffaloes, or oxen, and a few rude implements of husbandry.'—' The cattle are strong and excellent, and, from the abundance of vegetation, always in high condition,—very different from the herds of Hindustan, condemned to

starvation during that large portion of the year when vegetable life is half destroyed. The implements of husbandry are a plough, harrow, hoe, pruning-knife, and a reaping-knife; the whole of which, taken together, do not cost more than from seven to ten shillings. No dressing is applied to the land. For the principal husbandry, that of wet rice, water supplies its place, not only fertilizing the ground, but even supplying the plant perhaps with a large portion of its nourishment. The practice of taking a rotation of crops, is of course not systematically pursued, but it is understood. A green crop generally follows a white crop: and thus we have pulses, farinaceous roots, and perennial cottons following the rice crop. But this last is the grand object of attention.'—' The rice is of two kinds; that which grows submerged in water, and that which grows in dry lands, like our European grains. The former is the most extensively cultivated, the most productive, and the most valuable.'

The Javanese are skilful in the culture of the first, and comparatively ignorant of the management of all dry crops, in which there is no substitute for dressing the land, so happily supplied in the other by the abundance and skilful distribution of water.

Next to rice, the most important article of husbandry is maize, or Indian corn, the culture of which is rapidly increasing of late years; as the population increases and presses upon the demand for rice, by bringing into culture most of the good lands calculated for yielding the latter on the present system of husbandry. Farinaceous roots, and pulses in almost endless variety, come next in importance; to which, if we add the oil-giving plants, the useful and abundant palms, the sugar cane, the cotton and tobacco plants, the coffee and pepper plants, with many inferior spices, a profusion of fruit-trees and useful woods, we shall find that no country in the world can compare with this fine island in the variety and richness of its husbandry.

The state of the Arts among the Javanese will not occupy us long; and to the sciences, they are absolutely strangers. They are ignorant of the most common rules of Arithmetic. The Bramins introduced among them some knowledge of Hindu astronomy; vestiges of which, as well as of the Indian calendar, may still be traced. It would be out of place to give any detailed account of those domestic arts which bestow upon them that portion of comfort which distinguishes them from savages. They are cheaply, and, on the whole, comfortably lodged, with a view to the climate they inhabit, certainly a happy and temperate one for those who were born to dwell in it. Nature supplies them in profusion with the materials of house-building; the teak, or the bamboo, and the palm, are constantly at hand; and a hundred plants yield the materials of useful cordage. The Javanese do not want skill to apply them,

lodge themselves very tolerably with a few hours' labour. They are decently clothed with a coarse but durable fabric of cotton cloth; a manufacture which, in their ignorance of machinery, and of the division of labour, is comparatively high priced. Like all semi-barbarians, they are skilful imitators, and mimic with surprising accuracy, the finest works in gold and silver, and are not unsuccessful even in the fabrication of iron and wood. They want, in short, but a little instruction, and a little more security, to make rapid progress in the primary arts.

We come now to the important subject of *Population.* The population of Java, as estimated by a census made in 1815, is 4,615,270. Considerable omissions, however, are supposed to have been made; and there can be little doubt that the actual population is moderately estimated at five millions; a number greater than the whole population of the New World on its discovery, and the existence of which, in this island, was, within these ten years, almost as little suspected in Europe as that of America before the voyage of Columbus. The lowest estimate gives to Java a population of about 100 to a square mile, which is but half the density of that of our old provinces in Bengal, according to the *first living* Oriental authority, Mr Colebrooke. In some of the more fertile and populous districts, we find it stated as high as 250; while in one, and that a considerable district, it is stated as low as 7. Java is the only country of Asia that we know of, the population of which is rapidly increasing; and we may see, from the statement now given, that there is abundant room for it. The frame of society, in this respect, more resembles an American colony than any nation of Europe or Asia. The island ought to contain ten millions of inhabitants, if peopled in the ratio of Bengal, and millions, if peopled to the extent of Great Britain. The rapid increase of population is confined to the eastern districts, distinguished above the western by their fertility, and which had been wasted and depopulated about sixty years ago, but which have since been in a state of uninterrupted peace. From some highly interesting documents in our possession, we consider the doubling period in these to be little more than 35 years. In some situations, of peculiar advantage for fertility of soil, salubrity of climate, and abundance of new land, the doubling period is ascertained to be under 20 years. An interesting document given by our author shows that, in the comparatively steril mountains of the west, the doubling period, on the contrary, is as long as 375 years. Even in the towns of the eastern districts, the doubling period is not longer than 45 years. The capital

of the Sultan, which, when it was founded in 1755, did not contain five thousand inhabitants, now contains more than eighty thousand; and that of the Sahunan, founded nearly about the same time, of which the population was also considerable, though greater, is now one hundred and five thousand. The following extract illustrates the causes of this rapid increase.

'The peasantry of Java easily procuring the necessaries of life, seldom aim at the improvement of their condition. Rice is the principal food of all classes of the people, and the great staple of their agriculture.. Of this necessary article, it is calculated that a labourer may, in ordinary circumstances, earn from four to five katis * a day; and, a kati being equivalent to one pound and a quarter avoirdupois, is reckoned a sufficient allowance for the support of an adult in these regions. The labour of the women in Java, is estimated almost as highly as that of the men; and thus a married couple can maintain eight or ten persons; and as a family seldom exceeds half that number, they have commonly half their earnings applicable for the purchase of little comforts,—for implements of agriculture,—for clothing and lodging. The two last articles cannot be expensive in a country where the children generally go naked; and where the simplest structure possible, is sufficient to afford the requisite protection against the elements.'

In the present relation of land and subsistence, to population, the condition of landed tenures tends prodigiously to the encouragement of marriage, and the rapid increase of the inhabitants. The whole occupied land of the island is meted out to the people in petty farms of an acre or two to each family, so that there is hardly such a thing as a mere day-labourer. Each peasant labours his petty tenement with his own hand; and it is only here and there in the most populous districts, that this state of society is broken in upon by the pressure of the population, on the lands which admit of culture on the present system of husbandry. A famine has not been known for sixty years; and in the present *ratio* of the population to the land that supports them, it is almost impossible, without supposing the calamity of a civil war, or some great convulsion of nature; for the soil yields its productions, in many instances, independent of season. A second or a third crop might be forced, and often is forced, on the failure of a first or second; so that a partial scarcity is the worst calamity that need be apprehended in the ordinary course of things. A country so situated, necessarily presents to us the rare and pleasing spectacle of a society without pauperism;—for a few victims of the Mahomedan law of mutilation, or those of a *loathsome disorder*, who are denied the support of their relations, can scarcely be considered as exceptions.

* A Chinese weight.

ery brief sketch of the civil history of the Javanese is all that we have time to give, and perhaps all that the public, under any circumstances, expect. The too ample details into which Sir Stamford Raffles has entered on this subject, are indeed, in our opinion, among the greatest blemishes of his work. When Europeans and Mahomedans first became acquainted with the Javanese, towards the close of the sixteenth century, the best part of the island was subject to the Hindu sovereigns [illegible] Majapahit, in the eastern end of the island. The people [illegible] Hindus, of the [illegible] ha, as is asserted by tra[illegible]ion, and more satisfactorily [illegible]ed by the numerous, and [illegible]ceed splendid relics of that worship which still exist in the ruins of architecture and sculpture. They had Bramins among them who adopted the arts of India, and kept up an intercourse with the eastern coast of the Peninsula, the country from which they first received their religion. Like other Hindus, they possessed no annals; but the curious antiquary, if not the historian, is enabled to trace their connexion with continental India, about three hundred years further back than our first acquaintance with them. In the Christian year 1478, the dynasty of Majapahit was overthrown by emigrants from Arabia and the neighbouring isles, already converted, chiefly through the aid of the proselytes they had made among the natives; and Islamism was established on the ruins of the ancient religion,—the monarchy was dismembered,—and the great lords, or nobles, in charge of the provinces, became petty independent sovereigns in their respective districts. This state of things continued until the close of the sixteenth century,—though some chiefs made on others, during this interval, successful usurpations or conquests. In this manner were formed the small kingdoms of Cheribon, of Jacatra, and of Bantam, names known in Europe; because with these Javanese States, which were maritime, took place the first intercourse of our earliest commercial adventurers to the East. Towards the close of the 16th century, the Lords of Mataram, a central province of the island, commenced a successful course of conquest; and in about half a century reduced the whole island, excepting perhaps Bantam, to a real or nominal subjection to their authority. About this period, the Dutch arrived on the island. They acquired in time a supremacy over [illegible]antam. They made a conquest of Jacatra, in spite of the [illegible]s of Mataram; and towards the close of the seventeenth century, the supremacy over the kingdom of Cheribon was yielded to them by the Sovereign of Mataram. From that period, until the commencement of the eighteenth century, they succeeded by degrees in wresting from the Javanese, by intrigue or con-

quest, the whole north coast of the island, with the entire eastern extremity, to the Province of Malang, downwards. Towards the middle of the 18th century, the weakness of the native power, and both the weakness and notorious inability of the mercantile government of the Dutch, brought on a destructive warfare of many years' continuance, which ended in the schism of the native sovereignty, which has established [illegible] stands, the political condition of the island. In 1811 the firm councils, aided by the personal presence of the late lamented Earl of Minto, placed Java under the protection of the British nation; after no contemptible struggle. In 1816 it was restored to the Dutch. This is probably as much of the history of Java, as can interest the popular or general reader.

The subject of *Revenue* next occupies our attention. The whole revenue of Java appears to be a million sterling and upwards; a prodigious sum, if we consider the uncivilized and unimproved state of the bulk of the population. But it will appear still greater, if we take into view the small expense at which, from its peculiar situation, the island might have been maintained as a British possession:—No frontier to guard against an enemy: —on the southern coast, an inaccessible iron-bound shore;—on the north, a triumphant navy;—and *within*, tranquillity and content,—a garrison of 3000 men was then more than adequate. The principal branch of this revenue is a land rent, as in other countries of the East; but in Java, the condition of society was not sufficiently improved to suggest the advantage of commuting payments in kind, and other irregular contributions, into an uniform money rent, until the vigorous period of the British administration, when this change was happily effected. The sovereign's right to the property of the soil, is fully established in Java. The whole island is like a great Russian or Polish estate, of which the sovereign is the lord or proprietor,—the people the serfs,—and the nobles or officers of government the overseers and collectors. The island is parcelled out into petty farms of an acre or two, to the pennyless peasant; and the rents fall into the improvident hands of the government, instead of those of a proprietor,—not a farthing of it going to the improvement of the land. One half of the estimated produce of the best lands, and one third of that of the worst, is exacted by the sovereign as his share. We may be quite sure that countries only of the most singular fertility, could withstand so exorbitant, and in Europe so unheard of a demand; and we may be also certain, that whenever such a plan is systematically persevered in, the country is doomed to inevitable and irretrievable

poverty. We regret to say, that, following the pernicious example of the revenue system-mongers of Madras, the British government of Java adopted this principle of taxation in its utmost rigour; and in 'the revenue instructions' issued by them to their officers, we accordingly discover, that the most ordinary rate of their demands is one half the estimated crop, at a value *at the collector's choosing*, and that *a fourth* is the lowest demand.

This destructive sys[illegible] abandoned; and a private right of property in the s[illegible] introduced. There is no country in which it is easier, it m[illegible]ed it be easy anywhere, to surrender power illegally claimed a[illegible]d established. In the list of taxes, there are several that deserve to be noticed, for their singularity. The revenue on salt is censurable, because it is a monopoly. The salt is retailed from the *public warehouses*, at about ten times its actual value. Other taxes there are upon the necessaries of life, in the pernicious form of licenses, as on butchers' meat, &c. &c. There still exist excise duties on articles that should not be exciseable,—in short, upon almost all articles, in the form of market duties and transit duties, &c. But the vilest source of revenue of all, is the commercial and agricultural monopoly of coffee. The philanthropy, and public spirit of our author, when he administered the affairs of Java, effected wonders in the reformation of these abuses; and his liberal views would have been completed, had the colony remained a few years longer in our possession. The most singular article of revenue is *the birds' nests*. We find a regular revenue, of above three hundred thousand rupees, carried yearly to account for a few swallows' nests, collected at little or no expense. It is, in short, like levying a tax to this amount on the Chinese, the consumers of this very ridiculous luxury. The last subject of revenue which we shall notice, is opium. Seventy thousand pounds weight of this drug are annually smoked in Java, as innocently, perhaps, and we think more so, than spirituous liquors are consumed in this country. A chest of opium (133 lib.), which is manufactured for 400 rupees, is sold in Bengal for 2000, for the benefit of the local government; and, being made again the subject of taxation, is ultimately retailed to the Javanese at four times the last sum.

The last subject we have to treat is Colonization, on which we shall be very brief. Making due allowance for the fertility of Java, and its capacity to support a numerous population, we do not consider that it is at present peopled to more than one-fourth of what it appears capable of maintaining, or twenty

millions of people. There is abundant room, therefore, for emigrants from other countries; and, from whatever climate they be, they may find a genial residence. By the account of Sir Stamford Raffles, not more than one-seventh part of the area of the Island is occupied. Whatever objections to colonization may exist in the case of continental India, and, even there, we believe them to originate in no better motives than the dread of encroachment upon patronage, and the poor envy which power always feels towards freedom and fair competition, Java appears to us not to afford the shadow of one. The native population have no abhorrence of European, or other foreign manners; no gloomy unsociableness of disposition; but the very reverse. The diversity of religion, manners, and laws, appears at first view an obstacle, but is really none. It is edifying to trace the effects of that very diversity, in the universal forbearance and liberality which it induces. We discover, in the Asiatic group of isles, the only great theatre where the varied population of Asia and Europe, even of Africa and America, meet none of the bigotry and intolerance which belong to most of them in their own country. A striking example may be quoted of its effects. There is a temple in the town of Batavia, the joint property of the Chinese and Mahomedans, where the worship of the god of Mahomet, and the deity of the Bonzes, is alternately performed. Nay, the Christians are tolerant to each other; and divine worship is performed in more than one of the churches of Java to both Catholics and Protestants. Were an entire freedom of colonization permitted, a right of private property in the soil established, justice respectably administered,—an entire freedom of commerce being of course supposed,—we do not hesitate to pronounce that Java, from its fertile soil and fortunate situation, would, in a very moderate period of time, become the first colony in the world. Until those principles be acted upon, we despair of seeing Java, or any other Indian settlement, any thing than a burden to the mother country, and an object of patronage to the party in power. We have no opportunity of estimating, from experience, the advantages which an industrious race of colonists would produce, except in the instance of the Chinese; and here it is quite undeniable. The labour, skill, and enterprize of 34,000 of that indefatigable people, produce incalculable advantages to Java, which are to be traced in every department of industry. We may, from this instructive fact, form some estimate of what the superior genius and intelligence of European colonists could effect.

But we must now hasten to a conclusion; and shall only add

a few remarks on the general character of the work itself.—The book is hastily written, and not very well arranged. It is a great deal too bulky, and too expensive, to be popular; and has, consequently, not been nearly so much read as its intrinsic merits entitle it to be. The style is fluent, but diffuse, and frequently careless. We should guess that Sir Stamford Raffles composes with too much facility, and blots too little. The sixth and seventh chapters, which describe the character, habits, manners, customs, and amusements of the people, are the best of the whole work, and indeed excellent. The ninth, tenth, and eleventh, which give an account of the Religion and History, are by far the worst. In determining the Chronology, great errors have been committed. There is a propensity to magnify the importance of the early story of the Javanese; and, in calculating and adapting the Native, to Christian time, the principle has been wholly mistaken, and an error of several years throughout the whole is the consequence. The map is the best ever compiled; and the plates equally correct and beautiful, such as might be expected from the long established reputation of Mr Daniel.

ART. IX. 1. *Report of the Select Committee on Contagious Fever in London: Ordered by the House of Commons to be printed*, 20*th May* 1818. pp. 52. Folio.

2. *A Bill to establish Fever Hospitals, and to make other Regulations for the Relief of the Suffering Poor, and for Preventing the Increase of the Infectious Fever in Ireland: Ordered by the House of Commons to be printed*, 19*th May* 1818. pp. 12. Folio.

3. *Reports of the Practice in the Clinical Wards of the Royal Infirmary of Edinburgh, during the Months of November and December* 1817, *and January* 1818, *and May, June, and July* 1818. By ANDREW DUNCAN, junior, M. D. F. R. S. E. Fellow of the Royal College of Physicians, Professor of Medical Police, and of Medical Jurisprudence in the University of Edinburgh, and one of the Physicians to the Royal Public Dispensary and Lunatic Asylum. Edinburgh, 1818. 8vo. Constable & Co.

4. *A Succinct Account of the Contagious Fever of this Country, exemplified in the Epidemic now prevailing in London; with the appropriate Method of Treatment as practised in the House*

of Recovery: To which are added, Observations on the Nature and Properties of Contagion, tending to correct the Popular Notions on this Subject, and pointing out the Means of Prevention. By THOMAS BATEMAN, M. D. F. L. S. &c. Physician to the Public Dispensary, and Consulting Physician to the Fever Institution in London. 8vo. pp. 177. London, 1818. Longman & Co.

5. *Medical Report of the House of Recovery and Fever Hospital in Cork-Street, Dublin.* By F. BARKER M. D. Honorary Fellow of the King's and Queen's College of Physicians; Professor of Chemistry in Trinity College, Dublin; and Senior Physician to the Hospital. 8vo. pp. 80. Dublin, 1818. Graisberry & Campbell.

6. *Observations on Contagion.* By WHITLEY STOKES M. D. Honorary Fellow of the College of Physicians; Lecturer on Natural History to the University of Dublin; late Senior Fellow of Trinity College; and late Professor of the Practice of Medicine. 8vo. Dublin, 1818.

7. *Statements relative to the present Prevalence of Epidemic Fever among the Poorer Classes of Glasgow. With some Suggestions for affording more adequate Assistance to the Sick, and for Checking the further Progress of the Contagion: in a Letter addressed to the Honourable the Lord Provost of Glasgow.* By RICHARD MILLAR M. D. Lecturer on Materia Medica in the University, one of the Physicians to the Infirmary, and to the Glasgow Lock Hospital. 8vo. Constable & Co. 1818.

8. *Practical Observations on Continued Fever, especially that Form at present existing as an Epidemic; with some Remarks on the most efficient Plan for its Suppression.* By ROBERT GRAHAM M. D. Regius Professor of Botany in the University of Glasgow; President of the Faculty of Physicians and Surgeons; and one of the Physicians to the Royal Infirmary, Glasgow. 8vo. Constable & Co. 1818.

IT may be questioned whether, in the present state of society, the epidemical visitations of a contagious disease are not productive of more misery than war itself—fertile, as it unquestionably is, in every species of calamity. The actual victims of war are not only numerically fewer, but, for the most part, belong exclusively to a class openly and almost voluntarily devoted to War horrors:—while epidemical sickness is an evil that

threatens indiscriminately every class of the community; and is chiefly afflicting, from its invading that cherished sanctuary of domestic life, in which the happiness of every individual must mainly centre. The universality of the infliction; the anguish of the immediate sufferers; the distress of relatives, and often the subsequent poverty and desolation of families; conspire to fill up the measure of misfortune, and give to the destructive operations of an Epidemic, a character of the deepest gloom,—which is not, like the fatal scenes of a battle field, cheered by the spark of valour or patriotism, nor redeemed by one consoling sentiment of duty or fame.

The unhappy prevalence of Contagious Fever for the last two years, not merely amongst the poor and destitute, but amongst those whom opulence has placed far above what are generally held to be the causes of infection, forms an evil which, if not altogether novel in its nature, is at least so in its extent. Its causes, therefore, and the means of arresting its present ravages, and of preventing them in future,—are topics that should not, in circumstances like the present, be left to the discussion of Physicians, but should be taken up by the Politician and the Philanthropist: and accordingly, it is gratifying to find, that the matter has been deemed of sufficient importance to deserve Parliamentary investigation. In our humbler province, we should wish to do something in the same good cause; and have, for this purpose, selected the able tracts whose titles are prefixed to this article. Our object, however, is not to analyze the mere medical information they contain, (though that, we readily admit, is very respectable), but to convey to our readers some more practical and popular considerations on Fever in general, and particularly on the present Epidemic.

From history we learn, that, in no era of the world, has society been exempted from Epidemic Fever; but it has always committed its chief ravages at those distressing junctures when war and scarcity had been extending the dominion of evil beyond its ordinary limits. For example, after every irruption of the Goths into the Roman provinces, Epidemic sickness was sure to follow, and to thin the remains of population which the sword had spared. Indeed, on most occasions of general or local calamity, whether in ancient or modern times, contagion has made known its destructive presence; and in this way has the poison been perpetuated from age to age, and from year to year. From the remotest periods, down to the present day, it has been reproduced an infinite number of times, and in an infinite variety of constitutions, without any perceptible alteration in its character or laws. Sometimes it has extended only

to a few; at other times it has spread amongst multitudes: yet, with whatever scope of operation it has appeared,—whether Epidemical, and ravaging a kingdom, or confined to a hamlet or a hut,—it has never become wholly extinct; but has lurked as a fatal spark among the neglected embers of society, ready to burst forth into a blaze at every favourable opportunity.

In the present Epidemic, the same effects have resulted from Peace, that were wont, in other times, to result from War: for it is well known, that it was not till after the return of peace, when a suspension of trade, and pecuniary embarrassments from a war of unexampled length and expenditure, began to press upon the population, by privations of unusual severity, that sickness became generally prevalent. None of our readers require to be reminded of the unprecedented stagnation of every branch of commerce and manufacture which marked the gloomy years of 1816 and 1817; and the consequent scarcity of all kinds of employment. The labouring poor who, in ordinary years, had maintained themselves and families in tolerable comfort, were thrown out of work by thousands, and abandoned not only to want, but to that heart-breaking depression of spirits, which we firmly believe to be more deleterious to the health and functions of the human frame, than inclement seasons, or any ordinary morbid causes, of a description merely physical. To poverty and mental depression, debility from insufficient nourishment was speedily joined; for the failure of the crop in 1816, superadded the inflictions of Providence to the pressure of political adversity. Had it not been for the multitude of our charitable establishments, and the unusual wide-opening of the hand of private benevolence, we verily believe that hundreds would have died of actual famine, and exhibited, in these kingdoms, a calamitous set-off against any afflicting occurrences of this sort recorded in history. Even as it was, the distress was enormous, both in extent and degree; and we have in our possession details of suffering, and of the disgusting substitutes for food to which the poor were driven, that would produce horror, as well as pity, in the minds of our readers, were we to state them: We shall therefore pass over the shocking minutiæ of this subject.

Want of fuel, and of proper clothing, were also evils of first-rate magnitude; and, with their necessary consequence—filth, rendered the wretchedness of the poor scarcely susceptible of additional aggravation. Can it be wondered at, then, that febrile contagion (which is seldom dormant in large cities) should spread widely in such a mass of apt materials,—or that, when fanned by the sigh of despair on the one hand, and of hunger on the other,

it should be blown up into one of the most raging Epidemics that has appeared for many generations?

Scarcity of labour, and the misery and the privations of every sort which thence result, are but the first in a train of greater evils that, in such calamitous times, assail the poor. Suffering, too, often leads them to vice and to crime. Their want of intellectual resources, leaves them accessible to every sort of immorality, but more especially to a degrading intemperance; for, in the temporary excitement of intoxication, they hope to assuage that gnawing canker of the mind, which is little less intolerable than hunger itself. Again, how frequently does the poor man's conviction, that 'the world is not his friend, nor the world's law,' goad him on to theft or robbery,—to the reckless destruction of a fellow-creature, or of himself! And surely, if misery thus predisposes him to moral evil, we may cease to wonder that it should also render him greatly susceptible of natural disorders.

In this hasty sketch, we have touched upon the chief moral and physical causes of the Epidemic; and these are, in our view, reduced within very narrow limits; namely, an original, unextinguished Contagion—fostered by these accidental circumstances, viz. depression of mental energy from want of employment, &c.; depression of bodily vigour from want of nourishment; and, in all probability, a peculiar constitution of the atmosphere not hitherto distinctly explained. We are aware that many able authors hold, that concomitant circumstances alone, such as foul air, filth, putrid animal effluvia, cold, wet, fatigue, and bad diet, will generate contagion, even though none previously existed. Dr Bateman, in particular, seems still to hold this doctrine, and expressly maintains, that want of nourishment has been the great cause of the present Epidemic. His words are—

'The history of all nations affords abundant evidence of the constant concurrence of dearth and pestilence. The pestilence appears to have generally assumed the character of a contagious fever, modified in its form, and more or less virulent and fatal, according to the circumstances under which it occurred.' p. 1.

'As Epidemic Fever *is unquestionably generated, in the first instance*, by defective nutriment; so we cannot doubt that it continues to *originate* in many successive individuals, during the existence of its cause, independently of any communication with each other,' &c. p. 11.

Now, we will confess that this doctrine appears to us not only to be erroneous, but to be the very reverse of true: For we believe that deficient nutriment, (provided it do not go the length of impoverishing the blood, and thus depraving the solids), instead of being favourable to the existence of fever, is the very reverse; inasmuch as it lowers the tone of the con-

stitution, and lessens the liability to all diseases of increased excitement. Without speculating about the relation of fever to inflammation, or stopping to inquire whether the increased action in the system which follows the application of contagion is an original part of the disease, or merely an exertion of the medical powers of nature, we are sufficiently borne out by facts when we say, that it is to this increased action, or to the exhaustion which *necessarily* follows it, that fever owes its general fatality. By consequence, it is reasonable to believe, that in those who have been scantily fed, the disease is less apt to occur, or if it does occur, the increased motion of the blood-vessels, is of a less durable and vehement character, and infinitely more manageable, than in those who had been lolling in repletion and indolence up to the moment of attack; and in whom the fibre is necessarily more rigid, the vessels more prone to engorgement, and the disposition to undue excitement more exalted. Nor is this opinion merely theoretical; we have the evidence of many facts confirming it, did our limits permit us to state them. Out of the many, however, we may mention the very striking one, that, in the present sickness, fever has been proportionally more fatal among the rich than the poor.

The general principles, therefore, which we have been explaining, remain unshaken, and are summarily these:—that exclusively of the febrile diseases attended with eruptions, such as small-pox, measles, &c. there is but one species of Contagious Fever, namely, Typhus:—that this disease admits of several varieties, but that all of them arise from specific contagion as their sole cause,—a cause, without which all other auxiliary circumstances would be inefficient. Nevertheless, we are decidedly of opinion, that such auxiliary circumstances are essential in paving the way for the operation and dissemination of the poison, by begetting a general state of predisposition. In fact, situated as we are, there is scarcely an influence or element which may not, by its excess, produce in our system the unfortunate state of preparation we allude to. Adversity may agitate, intemperance may derange, excess of study or of fatigue may exhaust, and want of food may debilitate;—thus rendering the body more liable to the power of contagion, or more easily thrown into fever by a dose of the poison so trifling as, in other circumstances, would have been harmless. Nay, further, we do not absolutely deny that a series of these predisposing circumstances constantly applied, may, by their incessant operation, excite fever in the system without the aid of contagion at all; but the malady thus excited, though often mistaken for the genuine Typhus, is only an occasional—inci-

dental—or (to use medical language) a sporadic disease; and as it is not derived from contagion, so it never becomes contagious in its progress, or infects the healthy who hold intercourse with the sick, unless its original nature is changed by crowding and deficient ventilation. But the more ordinary way in which these noted predisposing circumstances exert their effects is, by rousing into action the contagious virus already received into the animal system;—or, in other words, by becoming what physicians call 'exciting causes.' There is every reason to conclude, that contagion is often inhaled, without any fever being the consequence: and, we firmly believe, this happy exemption would be more frequent, were not the latent powers of the poison accidentally fostered and evolved by the assisting circumstances so often referred to.

We have already seen, that these 'lædentia'—these injurious circumstances—are partly of a physical and partly of a moral nature: the chief of the former order are, want of nourishment, inebriety, fatigue, and cold; and of the latter, grief, mental anxiety, or despair. It would be difficult to say which of these two are the most ruinous to health: the operation of the former is, to be sure, more intelligible; yet the influence of the latter on the vital functions in health and disease, is a subject of most interesting speculation to the physician and the moralist. Many phenomena in the history of our species lead us to believe in the governing power of mind over matter, to an extent, at first sight incredible. How often have energies purely mental, enabled men to retard the assaults of sickness, and even the chilly approach of death! On the other hand, a sudden relaxation of these energies lays them open even to the minor causes of disease, or perhaps subjects them to ideal calamities. It has long been remarked, that in armies, or other large bodies of men, disease makes little progress while the mind is strongly engaged, and the exciting passions steadily kept alive by enterprise or success; but that, as soon as great reverses are experienced, and mental depression ensues, diseases make very great havoc,—being increased not only in their general number, but in their individual fatality. What takes place after a disastrous campaign, was pretty accurately shadowed out in that gloomy season of public adversity which reigned during the early part of the present Epidemic, and which rendered its mortality, as might be expected, greatest at first.

Although the predisposing circumstances already pointed out must be highly instrumental in exciting and diffusing Typhus, still it is evident something more must happen ere that fever can prevail as an Epidemic. To be convinced of this, we

have only to recollect, that at all times, in a crowded society like ours, contagion must meet with mental depression from moral causes, and exhaustion from scarcity, with all their sequelæ of filth, intemperance, and the like, ready prepared to aid its operation. But seeing that, even under this conjunction of circumstances, epidemics do not prevail at all times, nor even very frequently,—it is manifest some additional auxiliary must yet be wanting. The contagion of Measles, Scarlet-fever, or Whooping-cough, like that of Typhus, is never wholly extinct in any country; yet these diseases only prevail epidemically during particular seasons: It therefore becomes a very interesting point in Medical Physics, to determine the reason why they spread some years so much more widely than others. We cannot say that we have yet met with any very satisfactory solution of this curious and interesting question. The phenomenon, we are afraid, cannot be explained: and we must be content, in our ignorance, to refer it to the influence of what was styled by Sydenham and the older physicians, 'peculiar constitutions of the air' during certain years, or portions of years, disposing the body to take on one kind of diseases in preference to another. What this peculiar state or constitution of the atmosphere favourable to epidemics is, we know not: yet we cannot help believing that it exists; and that the occult quality, whatever it may be, has no relation to the thermometrical or barometrical conditions of that fluid. Whether it is at all connected with its electrical states, it would be fruitless to conjecture. Sydenham conceives, upon slight enough grounds, that 'it proceeds from a secret and inexplicable alteration in the bowels of the earth, whereby the air is contaminated with such effluvia as dispose bodies to this or that disease as long as the same constitution prevails, which at length, in a certain space of time, withdraws, and gives way to another.' For our parts, from attending to the history of health and disease during a succession of seasons, we are persuaded that changes of mighty importance take place in the air we breathe, without their being at all appreciable by either our eudiometers or hygrometers: and this we must, at present, be satisfied to receive as an ultimate fact, for which we cannot account.

The existence of a special condition in the air, as the leading cause of the spreading of various Epidemics, is by no means without close analogy in its favour. For example, every one knows that, in the East-Indies, liver-complaints are remarkably frequent; though the climate, so far as depends on heat, moisture, &c. is entirely like that of the West-Indies, where such complaints are comparatively rare. Again—it is a matter of al-

most daily observation, that an east wind is highly disagreeable to valetudinarians, and unfavourable to the cure of some diseases: it has even been known, in the course of one night, to change for the worse all the ulcers in a large hospital. This, however, must be attributed to some latent peculiarity in the wind that now and then blows from that quarter; for neither its cold, its dryness, nor its barometrical properties, can account for the effects it occasionally produces.

This unknown constitution of the atmosphere, then, we take to be a *sine qua non* in the production of Epidemic Fever; and that, if contagion is a prerequisite to render the spreading of the disease possible, the aërial change is also a prerequisite to render that spreading probable. When these two principal causes meet with the favouring circumstances formerly explained, all of them act and react interchangeably upon each other; and the result of such a complication and union of noxious agencies, is an epidemic such as we see it.

While on the subject of atmospheric influence, we may add a word on the received opinion, that cold is peculiarly favourable to Typhous contagion; and that atmospheric warmth extinguishes it altogether. The latter proposition, we think, may very reasonably be doubted, since there are no facts that we know of directly to confirm it; and all analogy is against it; so that we might rather expect, *a priori*, that our fevers should be aggravated by heat, as all the violent fevers of southern climates, arising from marsh exhalations, are rendered more virulent by high temperature. Plague also—the most contagious of all human diseases—rages most violently in such degrees of warmth as are more nearly allied to extreme heat than to cold. On the whole, we are rather inclined to think, that heat operates beneficially upon Typhoid contagion, only by giving occasion to its being dissipated and diluted, and thereby rendered innocuous: because, in hot weather, the abodes of disease and filth are necessarily thrown open to the winds of heaven, and due ventilation (often fruitlessly recommended by the physician), now that it becomes indispensable as a matter of common comfort, is enforced by the poor themselves.—As corroborating this opinion, we refer to Dr Barker's valuable Report; where he has shown, by a table, that the fever in Dublin went on, during the whole summer, progressively increasing.

It will not be irrelevant to add a few words on the manner in which the matter of contagion may be admitted into the body. It may be conveyed into the stomach by the saliva; or it may be absorbed by the skin, in some instances: but we are convinced, that by far the most ordinary way is inhalation by the

lungs. It is in this way applied to that delicate membranous expansion which covers all the minute blood-vessels distributed with such an infinitude of branches around the air-cells of the lungs. We have little doubt but that the poison, thus applied, is absorbed by the blood, and thus finds its way into the course of the circulation. Besides its general effects on the sympathies of the nervous system, it seems to deteriorate the mass of blood itself, and render it unfit to maintain the irritability of the heart, and the excitability of the brain. Some of the most conspicuous phenomena, particularly in the last stage of fevers, are referable solely to this depravation of the blood. On this matter, however, we shall take occasion to say more hereafter.

This is all that we think it necessary to observe on the causes of the present Epidemic. We must now say a word or two on the means of cure; and in so doing we shall chiefly aim at removing popular prejudices, on points where they are most pernicious. We may remark, by the way, that the only safe rule for the treatment of Typhus is, that there should be no general rule at all. Each Epidemic varies in its character; and almost every case of the same Epidemic has circumstances peculiar to itself, which must modify the treatment. We often observe a highly malignant disease produce one of an opposite type in others, and the contrary: so that there is no judging *a priori*, or from any thing but the actual symptoms, what the precise treatment in any given case ought to be. Yet, were we bold enough to venture on any thing like a general maxim in Physic, we should certainly lean to the side of the evacuating system,—sensible that this method, invariably pursued, would do infinitely less harm than the opposite.

The symptom in Fever that first alarms a patient's friends, is Debility; and, to remove it, all their well-meant efforts are earliest directed. But it is dreadful to think with what lamentable consequences they are often attended. We firmly believe, that the fear of debility has been the destruction of thousands of lives, by the rash treatment to which it has given birth. It is quite a received axiom amongst the poor, that weakness must always be met and supported by cordials; and that strength can only be communicated to the languid frame through the medium of generous diet. How often do we see their fevers, during the first three or four days, when alone medical treatment can be of much avail, not merely neglected, but—what is infinitely worse—goaded into malignity by stimulating treatment! The unhappy patient is put to bed; warm malt liquor, or even spirits and water, are administered at intervals; and the stomach is loaded with nourishing broths or cordial panadas; and

thus every thing is hurried on from bad to worse. We can scarcely conceive any thing more important to the safety of society at large, than to convince ignorant and prejudiced persons of the folly and danger of such a practice. To the admonitions of the professional man they too often turn a deaf ear; or they comply with them very imperfectly, and even, perhaps, act in direct and dogged opposition. This evil well deserves the notice of the humane and enlightened. It is only from the kind advices of those who, from their rank in society, or other causes, have influence over the minds of the lower orders, that we can expect a salutary reform in this particular.

If there is any thing true in medicine, it is, that debility, during the first days of fever, is only apparent,—and that the first stage is one of *oppression*. Instead of increasing this oppression,—instead of spurring the over-wrought vital powers by ill-omened stimulants, do not nature and reason point out that the system should be unloaded and tranquillized, and that the stomach should be relieved from the drudgery of digestion? Even admitting, for a moment, that nutritious food were required under such circumstances, it is quite obvious that it could never be digested nor assimilated: it must ly as an uneasy load, and embarrass those vital functions which it cannot sustain. As well might we screw up the barometer in order to bring fair weather, as thrust down nourishment into a powerless stomach and a feverish frame, in order to recal strength.

There is, among this class of society, another cardinal error; to wit, that of forcing a perspiration in fever, 'to carry it off,' as their phrase is. Misled, in the first instance, by the sense of chilliness generally present, and by the sweat which Nature now and then, perhaps, employs as the means of dissolving the febrile paroxysm, they bury the unlucky patient in bed-clothes, and every refreshing access of air is carefully excluded: perhaps, to add to his torments, a fire is kindled, and the sufferer lies sweltering in clammy oleaginous perspiration, panting for breath, and rapidly becoming exhausted by the murderous kindness exercised towards him. Surely, than this, nothing can be more cruelly injudicious; for every medical man, with the least pretension to experience, must have seen cases on cases where, even after the most profuse perspirations, whether breaking out naturally or elicited by art, no permanent relief of the febrile symptoms has followed. This system of forcing perspiration, then, is useless, and worse than useless; for it is sure to do harm, by augmenting and fixing determinations of blood to the brain and other parts essential to life, and by causing an accumulation of the stimulus of morbid heat.

If perspiration be a desireable object, we know of no more likely means of bringing it out, than to take off the febrile stricture of the skin by the free admission of cool air, the use of cool drink and light bed-clothes: but, indeed, sweating is generally to be regarded rather as the effect, than the cause of the departure of fever. This should never be forgotten.

The use of Emetics at the beginning of the disease has been sanctioned by so many great physicians, that it has now become a popular practice, and is often resorted to at first without any regular medical advice. The practice in this indiscriminate way, is certainly liable to many grave objections. The exertion of vomiting powerfully propels the blood to the brain, and sometimes gives rise to such an irritability of stomach as all our subsequent efforts cannot allay. Surely the more obvious benefits of emetics as evacuants, may be secured, in many cases, by purgatives, which do not expose the patient to the same dangers. —We do not deny their great utility in many cases; for example, where, previously to fever, the stomach has been overloaded by indigestible food: we also admit that the succussion their operation gives to the whole system is useful in removing inward congestions of blood, and developing the necessary and salutary stage of moderate reaction. What we contend for is, that the unlimited, and therefore empirical, employment of them in all cases, even when the cold stage is gone by, is frequently unnecessary, and sometimes dangerous.

We next come to speak of another remedy which has been said to possess the power of arresting fever, and which, by its high promise of general benefit, a few years back, greatly excited the hopes of physicians and philanthropists:—we mean the affusion of cold water on the naked body. This practice was introduced to general notice by the late amiable Dr Currie, whose distinguished talents, both as a physician and a man of letters, will be long remembered. The remedy, indeed, was by no means new: and was probably resorted to in the very infancy of the healing art as a natural and summary cure for excess of heat. In proof of this, we have the testimony of travellers, to show that savage nations, both in the Eastern and Western hemispheres, have been in the habit, from the remotest times, of treating their occasional fevers by ablutions with cold water; and we think this simple expedient is very likely to have suggested itself to rude minds. (See Bancroft's Essay, p. 95.)—We are far from saying this with any view of lessening the merit of Dr Currie: for 'if,' (as Malpighi observes concerning our illustrious Harvey), 'in arts and sciences he is properly to be deemed the discoverer who by a proper investigation unravels

Nature's perplexities, and calls in reason and experience to support, and facts to confirm,'—then truly will Dr Currie be esteemed the discoverer of this remedy.

After many patient and persevering trials of cold affusion in the fevers of all climates, it seems to be now laid aside almost by common consent. That it does not possess the power of cutting short the disease, is admitted on all hands; and the conclusion we have formed is, that its effects are beneficial, so far as they go, but transient. We have never seen it effect any premature solution of the complaint, nor have we often been so fortunate as to witness its tendency to sleep and perspiration. But though it possesses not those commanding effects which its benevolent proposer taught us to look for, and though the relief it produces is but temporary, it is a valuable auxiliary, and may often be made cooperative to the recovery of the patient. In the first place, it conduces to cleanliness,—removes, for a time, the grievous irritation of febrile heat,—and produces considerable refreshment and exhilaration; lessening that feverish anxiety, and relieving that loathing at the stomach, which are so depressing in all the stages of the disease. For these reasons we think that the practice itself, or at least a modification of it, should be adopted in most cases. At the same time we should add, that we have seen a good many instances where the affusion would have been dangerous on account of the commotion of the nervous system; and others where the mere fatigue attending its frequent administration, (for to be useful it must be frequent), would have more than counterbalanced the good to be expected. On these accounts it is generally advisable to substitute the more cautious process of sponging the body of the patient with cold or tepid water and vinegar, as he lies along at his ease. By repeating this at seasonable intervals, we shall produce all the benefit of the cold affusion, and at the same time avoid its dangers.

The administration of cold water as drink, is also a most material improvement, for which we are indebted to modern times; and in the use of it, happily, there is less need for scrupulousness than in the case of its external employment. Its free exhibition was first suggested by the Italian physicians, and Dr Cyrillus of Naples published a paper in the Philosophical Transactions (No. 410. p. 142.) expressly recommending it without any other remedy whatsoever. In our own country, also, about the beginning of last century, and previous to Dr Cyrillus's paper, Dr Hancocke published a treatise on its efficacy, under the affected title of 'Febrifugum Magnum.' Yet it is only within the last twenty or thirty years that cold water, or even cool

drinks, have become general remedies. The lower orders do not regard them with the same aversion as cold affusion; indeed the eagerness with which nature craves them, and the exquisite refreshment they afford, are enough to subdue prejudices even the most inveterate.

The next great and radical advancement in the treatment of fever, of which modern times can justly boast, is Blood-letting. This remedy appears, from the writings of Hippocrates, to have been very freely employed in that age. Even in this country, until the middle of last century, it was generally resorted to; and had the sanction of the great Sydenham. His disciples were not silent on the merits of this practice, as is evident from some of the early medical writings of last century. * We know not well how so powerful a remedy should have fallen into disuse; but we believe it was chiefly owing to the influence of those eminent men, Fothergill, Pringle, Lind, Dr John Hunter, Cullen, and Brown, who gave the tone to medical doctrine, and spread a fear of the lancet all over Europe, by propagating, in their prelections and writings, the false notion that Typhus is a disease of direct debility. The practice, after a period of unmerited eclipse, is now happily revived, and has materially lessened the mortality of our ordinary fevers.

It is gratifying to think, that this revival has not been brought about by the caprice of fashion, but by an induction from facts. For a good number of years past, blood-letting has been a favourite remedy in the fevers of warm climates: in them it was resorted to, at first, more from necessity than choice, because their violence and rapidity were found to set at defiance the remedies recommended in the schools of medicine. In fact, within the Tropics, as the products of the vegetable and animal kingdoms rush through their successive stages of growth, maturity, and decay, with greater luxuriance and rapidity, so also the phenomena of fever are more marked and terrible, and run their course with greater vehemence and celerity. The consequence is, that physicians who treated fever in such countries had, comparatively, the same advantage as those who study nature with the aid of a microscope. They could see more distinctly, and estimate more justly, the secret sources of the dan-

* Not many months ago, an enlightened friend showed us a rare little volume on the subject, with a quaint title, published in London by a Dr Whyte, A. D. 1712. We were surprised and gratified to observe, that the views as to the efficacy of early depletion, and the arguments used to recommend it, a century ago, are such as the present day might not blush to own.

gerous symptoms: these being exposed before them, and magnified, as it were, it was to be expected that the remedies should become more energetic and simple; and in proportion as they became so, they have become more successful. This success abroad has contributed not a little to extend more active depletion to the treatment of our fevers at home: and the practice has been patronized by individuals of superior understanding, who had previously convinced themselves of the unsoundness of the reigning opinions on this disease, and had altered their practice accordingly.

Betwixt the publication of Dr Hamilton's † excellent work and the revival of blood-letting, purgatives had taken a very conspicuous part—indeed we may say the only active part—in the treatment of Fever. Prejudices against this class of medicines, had descended from the earliest times, and were deeply rooted in the mind both of Physicians and of the Vulgar. It was formerly a favourite dogma with the advocates of the humoral pathology, that a peccant matter is the cause of fever, and that purgatives would only obstruct the fermentation, concoction, &c. which they conceived indispensable to the expulsion of this offending cause. Though the doctrine is exploded, the prejudices to which it gave rise are still in very considerable force. It is amazing with what dread people in general look upon all sort of evacuants in this complaint. Purgatives are more particularly the objects of dislike, from their supposed effect of carrying away the nourishment and strength of the patient. Yet it would be very easy to show, that cathartics, instead of debilitating, are really, in fever, the very best tonics in the world; and form the quickest and safest restoratives to health and strength.

Fevers have been judiciously divided into three stages: the 1st is one of oppression; the *2nd* of over-excitement; and the *3rd* of exhaustion:—the third is undoubtedly a necessary consequence of the other two, for it is a law throughout animated nature, that excess of action is followed by fatigue or collapse. It is chiefly in the first two stages that energetic measures of depletion, by blood-letting and purgatives, can be considered admissible;—in the last, our sole aim is to support the strength of the vital powers by cordials, taking care, at the same time, not to over-stimulate. Yet, even in this advanced state, some active purgatives are indispensably required every second or third day: though at this time there must be conjoined with

† Dr Hamilton on the Utility and Administration of Purgative Medicines. Edinburgh, 1803.

them a prudent use of wine and other stimuli. These means are opposite in appearance, but by no means so in principle. In fact, to carry off the offensive fluids, is now, if possible, more necessary than ever. By so doing, the patient is exhilarated and refreshed; and besides, a healthy secretion of bile and of gastric juice is prompted by it. Under such circumstances, a moderate allowance of ripe porter or ale will often have all the good effects of wine: nay, there are many patients with whom they will be found to agree much better.

When we reflect how very grateful a complete change of linen is, even in the fullest health, we can readily imagine what a delicious gratification it must be to the arid and burning skin of a person in fever. Besides, it deserves to be more generally known, that clean linen acts as a spur upon the cutaneous pores, and thus either elicits perspiration, or at least causes a salutary determination of blood to the surface. Indeed we know of few means so absolutely indispensable as a change of linen daily, or even twice a day; combined with thorough ventilation, and strict cleanliness of the patient's person and apartment. Without these, the best medical treatment will be nugatory: and the professional attendant who does not make them the primary objects of his attention, degrades himself from a philanthropic physician, to a mere mixer of drugs. Yet of drugs, properly so called, how very few are really necessary in fever! In the early stages, such as are given should be of an active nature; and towards the close, in general none, save purgatives, are necessary; as recovery will be better promoted by regulating the diet, and tempering it to the diminished powers of the stomach.

As diet is so important a subject, we should perhaps be somewhat more explicit with regard to it. Nature has wisely provided that, throughout the active part of the attack, there should be an absolute loathing of solid food—a pretty convincing proof that it would be hurtful. Nothing, then, should be offered at such times except lemonade, subacid fruits, gruels, milk and water, butter-milk, whey, and the like, so long as any unnatural heat or thirst remain. In the stage of exhaustion, panadas, Indian arrow root, nourishing broths, animal jellies, madeira mixed with milk, and a draught of brisk ale or soda-water, are highly proper. A spoonful of common yeast given at intervals, will often be serviceable at this period of the complaint. Generally on the head of diet,—it is necessary to be very circumspect, as premature indulgences always retard recovery, and often produce a serious—perhaps fatal—relapse.

It must be interesting to the general inquirer, as well as the

medical scholar, to mark how very different the treatment of fever is at the present day, from what it universally was a few years back. At that time, bark, opium, camphor, wine, brandy, and other stimulants, were used from the very first; now-a-days these have given place (at least amongst the well informed of the medical community) to a series of remedies entirely opposite. Much of this difference of practice is to be attributed to a notable revolution in medical opinion; but some share of it, perhaps, must, in candour to our predecessors, be ascribed to a change in the disease itself. The character of diseases is modified by causes often wholly unknown. That every Epidemic has its own peculiar constitution, is an observation as old as Sydenham; and this accurate physician was wont to remark, that his treatment, during any given season, was never fairly successful until he had found out the *genus* of the reigning fever. It is probable, then, that, from some unknown cause, Epidemic Fevers are now more of an inflammatory nature than formerly; but, on the other hand, we think it plain, that, were our modern fevers treated by stimulants, hot regimen, and deficient ventilation, they would become sufficiently malignant; and rapidly put on those appearances of extreme debility and putrescency, which gave our forefathers such a horror at any thing like evacuation. We hold, that, in very many instances, the type of a febrile disease is completely in the hands of the attending physician; and that treatment will often alter it entirely. The mere neglect of ventilation and evacuants, will, even in simple fevers, produce an alarming prostration of the vital powers: This prostration, again, will be more readily removed by strict attention to these particulars, than by the most powerful cordials in the whole Materia Medica. Dr Bateman has stated some interesting facts on this point; and we have seen many of a similar nature.

After this explanation, the reason must be pretty apparent why our forefathers had so generally a disease of debility to encounter: The kind of treatment they adopted at first, did, indeed, render the exhibition of bark and wine requisite, as a necessary result of their total neglect of depletion. The prostration thus artificially superinduced, was gratuitously ascribed to the type of the disease. Notwithstanding all these errors, it is well known that many recovered: This shows that the stimulating plan had its share of success; (though, doubtless, not a few perished for want of those modern measures which are so much more successful.) That the same end should be attained by means diametrically opposite, is a paradox in medical science, that should teach physicians to mingle humility with the just

pretensions of their art. In order to explain this paradox, apparently one of two suppositions must be true: During the reign of the antiquated practice, either nature was more compassionate than art, and so carried the day against the formidable odds of the disease and the doctor; or else the constitution of fevers is materially changed from what it then was; so that a malady which can now be safely combated only by blood-letting and purgatives, could then be safely treated by tonics and stimulants. We are much inclined to solve the difficulty, by adopting, *in part*, both of these opinions,—leaning, however, very much to the former.

Upon the whole, it is gratifying to think that improved views of the pathology of fever are now gaining ground so rapidly, and that men of talent are taking a leading part in prosecuting the active treatment. Their authority must, in process of time, operate a change on that herd of *practitioners* who still pursue the beaten track of former years, and hold their camphor-juleps and ether-mixtures in perpetual requisition, immediately after they are summoned to a case of fever. For our own parts, we look upon Typhus as, to all *practical* intents and purposes, an inflammatory disease; and are satisfied that, in by far the majority of cases ending in death, there has been inflammation, acute, or sub-acute, of some vital organ: Nevertheless, we think it evident, that in the precession of causes to effects, it is the nervous system that first suffers; and that its derangement modifies all the subsequent phenomena, so as to give inflammation a different aspect from what it has in other diseases, purely and primitively inflammatory. Of the precise nature of this disturbance we know just as little as we do about the ultimate nature of attraction, or the intimate essence of life; its effects, however, are a suppression of the energy of intellect and of volition, tremors, general pains, lassitude, coldness, and so forth. All these indicate an unknown change in the centre of the nervous influence, (the brain and spinal cord); and, as signs, they appear to be primary and essential,—commotion in the heart and arteries being only symptomatic.

We are further of opinion, that contagion, when inhaled by the lungs, and absorbed by the blood, effects a change upon the constitution of that fluid,—a change very different from its condition in ordinary inflammation; *—that, in short, its mass is poisoned (to speak popularly) by this invisible virus. In this way we can, in some measure, explain the breaking out of livid

* Blood drawn in fever, very seldom shows the inflammatory crust, or buffy coat, which it almost constantly does in pure inflammation.

blotches, and the occurrence of hæmorrhages from the bowels and other parts of the body, in the last stage of our worst fevers. These, we conceive, proceed from a dissolution of the blood, and from the impaired vitality of the minute vessels; allowing some of it to escape in inky spots under the skin, or in a flux of semi-putrescent gore from their unresisting mouths. Such appearances are seldom or never seen in diseases truly inflammatory.—We remark, with pleasure, that our opinions, on this interesting matter, are pretty nearly akin to those of Dr Armstrong, in his late classical work on Typhus.

We now proceed to discuss the measures of prevention;—which depend, of course, very much on what we know or believe as to the nature of the contagion. Now, contagion exists either in the state of an invisible matter, exhaling from the body of the patient; or else adhering to articles of clothes, furniture, or the like. In the latter state, it is known amongst medical men by the appellation of 'fomites;' and every thing concurs to prove, that its virulence is not impaired by this lurking condition; but, on the contrary, is maintained in a state of greater concentration and activity, than even when it first emanates from the patient's body.

We have already remarked, that a specific poison, capable of causing a similar disease in others, is generated in the system of a person under fever. This poison, as soon as the disease is fairly begun, continues unintermittingly to exhale from every pore, until convalescence is nearly completed. Not only the surface of the skin, but also the inner surface of the lungs, mouth, intestines, and bladder, continue to pour out the contagious vapour; consequently the very secretions and excretions are highly impregnated with it. In truth, the patient is surrounded, for two or three feet, by an atmosphere of his own, very deleterious to all persons susceptible of the disease who may happen to be exposed to it. As a matter of precaution, therefore, strict non-intercourse with the sick should be enforced; and those whom duty or inclination leads to visit the patient, should be very careful not to inhale his breath, or expose themselves to that steam of perspirable matter which rises from his body when the bed-clothes are turned down for the purpose of rendering him any offices of help. While engaged in such duties, they should hold in their breath for a time; and, if under the unavoidable necessity of inhaling the tainted atmosphere, they should, as soon afterwards as possible, blow from the nose, and wash the mouth, with a view of detaching any infectious particles that may be adhering to these passages. All the discharges

of the patient should be thrown away as soon as they are rendered, and the vessel washed with boiling water. But the most important precaution of all is, to maintain a perpetual circulation of air in the patient's chamber. For this purpose, a small chink of the window should be left open both at top and bottom,—and the opposite window, where there is one, or else the door of the room, should also be a little opened. When open windows cannot be had recourse to on account of high winds, or other inclemency of the weather, a small fire must be kindled in the grate. Though not considerable enough to raise the temperature of the room above a degree or two, it will have the salutary effect of causing a current, and frequent renewal of the air in the chamber. For the better success of ventilation, the bed curtains should never be drawn close around the patient, but merely one of them let down to screen him from the irritation of the light.

It is very seldom, particularly in the abodes of the poor, that ventilation is sufficiently attended to: this arises partly from their natural carelessness, but more especially from their groundless apprehension of the patient's 'catching cold' from the admission of cool air. We call this a groundless apprehension, because, in a uniformly low temperature, patients are little liable to colds: it is only sudden alternations that give rise to them. Besides, we have observed, that when the body is under fever, it is not so susceptible, as in health, of minor diseases like catarrh. But, even were it otherwise, precautions may easily be taken against an occurrence of this kind, by interposing a screen betwixt the current of air and the patient's body, more particularly when he lies asleep, or when the atmosphere is frosty.

In small, close, and filthy chambers where contagious fever is, the air of the apartment will soon become so surcharged with contagious effluvium, that the majority of those who inhale it, will afterwards take the disease: but if free air be admitted, the virus becomes so diffused that the air of the room may be respired without danger:—just as if we dissolve an ounce of arsenic in a bucket of water, we shall form a liquid which few could taste with impunity; but if we throw the same quantity into the Forth or the Thames, the poison becomes so dilute as to be incapable of producing the smallest inconvenience.

We must agree with Dr Bateman in condemning the custom, so frequently adopted, of sprinkling the sick-chamber with aromatic vinegar, or other perfumes. These most assuredly have not the smallest influence in preventing infection; but, on the contrary, rather tend to vitiate the air. As they disguise offensive smells, we fear they are too often employed as a succeda-

neum for ventilation; and in this view they are greatly to be reprobated. The criterion of proper purity for a sick chamber is, that it communicate no perceptible smell whatever to a stranger entering it.

With regard to camphor bags, nosegays, smelling bottles, &c. in which many put their trust for safety, when they visit an infected chamber, we are satisfied they can have no good effect whatever, unless in so far as they give confidence to the mind of those who employ them, and prevent the depressing passion of fear,—a passion that predisposes wonderfully to the reception of all contagious diseases.

Another very essential precaution consists in frequently changing the body and bed-linen of the patient, and occasionally sponging his skin with tepid water and vinegar. While this, as we before remarked, is very conducive to the recovery of the sick, it contributes no less to the safety of the attendants. As soon as the linen is thrown off, it should be collected in a tub and covered over with water, into which a handful of lime or caustic potash may be thrown, for the purpose of detaching the animal matters with which it may be impregnated. In one word, then, unremitting regard to ventilation, and the strictest attention to cleanliness in all its parts, constitute the whole secret of evading contagion: and if, along with these means, the attendants and visitors will take care never to approach their heads so nigh the patient as to risk inhaling his breath, the effluvium of his body, or the vapour of his evacuations, they need not fear any contagious disease, however malignant may be its type.

As to the sphere of the contagious effluvium, and the distance at which it may affect persons exposed to it,—there is, we think, the most convincing and satisfactory proof, deduced from a long course of experiments and observation, that the exhalations radiate from the body of the patient only to the distance of two or three feet, provided the noxious vapour be not accumulated, and condensed, in the room, for want of ventilation. This sufficiently shows how unfounded are the fears that many express at living in a district of the town where fever is prevalent, or in the neighbourhood of fever hospitals, and infirmaries. If the precautions now recommended are at all attended to, we may live with safety even in the same house where fever exists.

When mattresses, blankets, linen, clothes, or furniture, are imbued with contagious matter, actual contact with these substances is necessary to produce infection. Yet it is frequently surprising how slight and accidental a contact may be sufficient to produce the effect: and when we reflect how often the dis-

ease is propagated by means of infected lodging houses, bedding, clothes, goods, &c. We ought to be on our guard; and on all occasions attend rigidly to purification of suspected articles of apparel or furniture, by fumigating, boiling, scouring, and freely exposing them to the breeze.

It will not be irrelevant to say something, in this place, about the degrees of predisposition to the disease in various persons. The liability to be affected by contagion differs greatly in different individuals; some being acted upon by very small doses of the poison, while others resist the strongest. Part of this difference of susceptibility must, perhaps, be attributed to an unknown condition of the nervous system; but, we believe, it chiefly depends on the state of the blood; for, as we before observed, contagion, in most instances, finds its way into the system through the medium of that fluid. Blood is said to be rich when the red part is considerable in proportion to the whole mass; and vice versâ. Those in whom the process of sanguification is most vigorous, have a great share of red particles in their circulating fluid; their fibre is also strong and rigid; and their complexion florid. Such persons are observed to be little liable to contagion, compared with persons of an opposite habit. Those—again—in whom the blood is impoverished, are marked by a pale exsanguious complexion, and lax fibre; arising, in all likelihood, from weakness of the sanguific powers. Such persons are observed to be very susceptible of contagion. Habit alone renders the human frame much less easily influenced by this, as well as by any other noxious cause. It is only on this principle that we can explain why physicians and nurses generally escape fevers, though it is obvious they are exposed to them in a degree, greater by a hundred-fold, than any other class of individuals. Yet to this law of habit, as to most others, there are exceptions: for whenever an Epidemic is severer than usual, the ordinary attendants by no means invariably escape. On the present occasion, many medical men, and especially hospital nurses, have fallen a sacrifice to their professional duty: the mortality, also, among clergymen and others, in the daily practice of visiting the sick, has been very considerable.

Whether the Epidemic is on the increase or decline, forms, at the present moment, a very interesting question. We are sorry to say, from all the evidence that appears, there is reason to apprehend that it has not yet attained its maximum of extension; for there are accounts of its having broken out in some parts of the empire which have hitherto escaped its ravages,—while nowhere does it show any well-marked tendency to decrease. That it would by and by decline of its own accord,

even if let alone, is probable from the history of former Epidemics, none of which, we believe, have lasted much beyond three years, and few quite so long: but what extent of mischief might previously be inflicted, is quite beyond the reach of calculation. It is therefore highly necessary that public measures of prevention should be adopted with all speed and vigour.

We would recommend, then, for the general welfare (what already been so far done in Ireland, Glasgow and Edinburgh), that certain individuals in every town or county should erect themselves into an Association for the Suppression of Fever. Their number should be proportioned to the size or populousness of the district which their exertions are meant to protect; and, in other respects, they should be men of diligence and intelligence. It is essential to the object of the Institution, that the members should consist of those who, from their rank, intellect or influence, have the confidence of the lower orders: we have no doubt that, in every town, a sufficient number of such individuals would be found, public-spirited enough to volunteer their services in this benevolent cause. In fact, it is obviously the self-interest of every one to assist, to the utmost of his power, in extinguishing a disease that, if left to itself, must involve every Class of Society.

This Association should comprise one or more magistrates of the place to which it belongs, so that its suggestions may have more weight, and its operations be aided occasionally by compulsatory civil power. Above all, it should comprehend the Clergy of all denominations; because, from their character and station, they generally have great influence over the poor: It should also comprehend a sufficient number of the Faculty, for the purpose of examining the habitat of the disease, ascertaining its extent, and the means of eradication. Such an Association, it is evident, should have the power of collecting voluntary subscriptions, or even of imposing assessments to provide funds for executing the object of its establishment. It would be well if government or parliamentary grants, for the latter purpose, were given to such districts as have suffered long and extensively from the Epidemic.

These previous matters being duly arranged, every town or county should be parted off by parishes, or other more convenient divisions; and two inspectors, one of whom should be a medical man, appointed to each. It should be the duty of the inspectors to visit and minutely examine the state of health of every family in their division once a week, or oftener, if circumstances require it: and if any cases of fever are found, they must have them removed to a hospital as soon as possible, and after-

wards take upon themselves the charge of having the infected dwellings cleaned and fumigated. The poor should be required to lodge with the President of the Association, or with the inspectors of their district, information of any new case, as soon as it appears. Dr Haygarth, to whom the world is indebted for many judicious directions for the extinction of contagious diseases, has proposed that persons should be incited by some small pecuniary rewards to give the information in question: but we believe that the mere solicitude of neighbours for their own safety will be a sufficient inducement to them to make known any infected house in their quarter to the proper authority, as soon as they know that a proper authority is expressly provided for the purpose of remedying the evil.

The Association should next proceed to procure tenements to be converted into temporary Fever-hospitals. Barracks are, generally speaking, well adapted to the purpose; and at the present time, when so many of them must be unoccupied with troops, their temporary appropriation in this way would be productive of very great benefit. In Edinburgh, the grant of Queensberry barracks has greatly facilitated the disposal of the numerous cases. Prison-depôts might also be occupied for a similar purpose: but where neither these nor barracks are to be had, a warehouse, storehouse, granary, or the like, may be made to answer the intention. Architectural requisites are of no consequence, provided the premises be but large, dry, and well ventilated. Indeed their internal fitting up cannot be too simple: we have often been struck by the injudiciousness of multiplying closets and wooden partitions, which only tend to lodge contagious matter, and obstruct the free circulation of air, in large hospitals.

The number of these Receiving-houses must be multiplied according to the emergency; but if the measures are promptly pursued, and patients removed during the first days of illness, it will speedily be found that we have choked up the fountainhead of the disease, and that the necessity for multiplying hospitals is entirely obviated. If, on the other hand, we allow the mischief to get greatly ahead; or if only half measures are pursued, the consequence will be, that a treble expense will be incurred; and even then, in all probability, the object will be not accomplished.

When patients are removed to the hospital, they must be stripped, and well washed with warm water and soap; taking care to cut off their hair, and remove all their ordinary clothes. These, after being carefully washed and dried, must be put aside in a store-room for the purpose, until the patient goes out

of the hospital. During his stay in the Establishment, when not confined to bed, he should be accommodated with a hospital-dress, consisting of double flannel or fleecy hosiery.

Although it be a matter of primary importance to have the sick conveyed from their own houses during the first days of fever, as it incalculably lessens the danger of diffusing the disease, still in the ulterior stages, or even in the last stage, such removal is by no means without use. But on such occasions Inspectors must be prepared to encounter a great deal of quy and opposition from the relatives of the patient: for pular prejudice is more strong than that which holds it rous to move a patient under such circumstances. The ty of 'catching cold,' and many other casualties, will be prophetically announced as the result of such an unheard-of measure. We can, nevertheless, assure our readers that such a removal, even in the last stage of fevers, may, in general, be effected with perfect safety: nay, free exposure to the air will be often salutary. The only consideration that can make the measure at all questionable is, the debility of the patient—not the risk of exposing him. That debility, for instance, may be so great as to render him unable to bear the erect posture in a sedan chair; but even then, he may be laid on a mattress, or truckle-bed, in the horizontal posture, and in this way carried to the hospital. There is most respectable authority to prove that gestation, as a remedy in fevers, has been repeatedly successful in cases where the extreme prostration of the powers of life, and signs of putrescency, had defied all other means; and would, in all probability, but for this simple, though unusual expedient, have ended in death. We would, therefore, recommend this subject to the serious attention of medical men during the present epidemic. We presume almost every military surgeon that has served in the late campaigns, must have witnessed the safety—not to say utility—of gestation in all stages of Typhous Fever, and must be able to confirm what we have now brought forward.

We must also allude to another popular prejudice, which tends greatly to counteract or defeat any exertions made to exterminate an epidemic:—we mean the reluctance which many of the poorer classes evince at being sent to public hospitals. In some instances, perhaps, this repugnance arises from a manly feeling of independence, inciting them to decline the aid of charity; but, in by far the greater number, it springs from a very general, though most erroneous impression, that in public hospitals medical 'experiments are tried' upon the patients. This charge is, of course, too absurd to deserve any serious refuta-

tion: and we are certain, from personal knowledge, that the prejudice has no foundation except in the vulgar and suspicious folly of those who entertain it—entertain it, too, against a profession which gives more gratuitous aid to the poor than any other, and which—to say nothing of it as a science—ranks at least as the noblest of the arts. Yet, however unfounded, this prejudice must be combated and argued down, as it stands materially in the way. Indeed the prejudices of the poor, no less than their diseases, will claim much attention from the Association: and here, in particular, the aid of the Clergy may be most beneficially exerted.

On the subject of these Hospitals, we have only further to remark, that all visits of relations to patients, unless in cases of approaching death, should be steadily interdicted; as contagion has very often been traced to such imprudent communications. Again,—those who have recovered should not be too speedily sent home among their friends, but should be kept in a separate ward until all danger of their infecting others is gone by. The establishment of a convalescents' ward will have a further advantage—it will prevent relapses; for most of these troublesome, and other fatal occurrences, owe their existence either to premature indulgences in diet, premature exposure to cold; or else to the patient's being exposed, while still feeble, to a strong contagion from a newly received patient, often injudiciously placed in the next bed to him.

Though the appointment of Fever Infirmaries is an object of such real consequence, the Association will find they have but half accomplished their duty if they neglect cleansing those hotbeds of contagion, the dirty and infected hovels of the poor. Too much care cannot be bestowed on this great object; because, without it, we may multiply houses of recovery to no purpose. The Inspectors, therefore, as soon as the sick are removed, should cause the house to be carefully swept; every neglected corner must be emptied, and all useless rubbish burnt or buried. Every apartment must then be fumigated with nitric or muriatic acid in a state of vapour. The next step is to wash the floor and furniture with soap and water, and to whitewash the walls with lime. After this, fires must be lighted, and the doors and windows thrown open for a few hours, so as to ensure a thorough perflation of air. Articles of bedding, after being exposed to the acid fumes, should be hung up to the breeze. The fumigation should be performed under the direction of the Medical Inspector, and repeated if he deem it necessary. With regard to the acid to be employed, we have only to remark, that the muriatic, though weaker than the nitric, has a strong-

er chemical affinity for animal matter: and as it is at the same time more diffusible, it should in general be preferred. Besides, it is cheaply and easily obtained; the only necessary articles being sulphuric acid and some common kitchen-salt. By pouring the former upon the latter, a sufficient quantity of acid vapour will be speedily disengaged; and we may increase it at pleasure by the application of moderate heat. The oxymuriatic acid gas (chlorine of Sir H. Davy) has also a remarkable power in destroying infectious matter: and is readily obtained by pouring sulphuric acid upon a mixture of pulverized per-oxyd (*black*) of manganese, water, and common salt.

There are other objects that must engage the attention of the Association, (but into the details of these our limits will not permit us to enter),—such as, the suppression of mendicity; the establishment of general washing-houses for cleansing gratuitously the clothes of the poor, and other minute local regulations; placarding infected houses so as to guard strangers from entering them; directing domiciliary visits to obscure and dirty lodging-houses, and placing them and their inmates under a strict surveillance of the Inspectors. The suppression of beggars is a measure of primary importance; for it is certain that this class of persons have been greatly instrumental in spreading the disease both in Ireland and in this country. Often, indeed, the breath which was expended in benedictions, and thanks to those who bestowed charity, has been found to blast with infection the persons it was meant to bless!—Dr Stokes's treatise very judiciously points out the evils of mendicity at the present crisis.

Before concluding, we may remark that contagion often lurks for a considerable time in the system before it excites fever. The length of this latent period has been variously estimated. Dr Haygarth reckons its *maximum* as high as seventy-two days, and Dr Bancroft extends it to five or six months. The latter appears to us quite an extravagant computation, and has not a single analogy in its favour, save the remote and feeble one of the hydrophobic poison. Nevertheless, there is little doubt that the seeds of fever often remain concealed for several days, and sometimes, though rarely, for two or three weeks, ere they manifest themselves in actual symptoms. The knowledge of such occurrences is valuable, not only as throwing light on the laws of contagion, but as guiding us to extend our means of precaution. These occurrences, also, explain how fever, in many instances, should break forth in isolated situations where no contagion can be traced; because they show that, betwixt his receiving the infection and the appearance of the disease, a person might travel from the most distant parts of the empire. In

this manner we can readily imagine the fever to have been first imported into Great Britain from the sister island, and subsequently carried from one place to another; because a series of facts proves, that the epidemic first began in Ireland.

We have thus once more performed an important duty, at the risk of offending many of our polite and fastidious readers:—and endeavoured to make our popularity subservient to the great cause of humanity, in spite of our consciousness that we are exposing it to hazard by the experiment. At the expense, we fear, of some disgust, and certainly of much tediousness, we have now put into the hands of many the means of doing a great deal of substantial good, and of mitigating and abridging a scene of most pitiable suffering. We trust, too, that we have also put it into the heads and the hearts of no few, to avail themselves, in practice and effect, of what has thus been suggested: and, with this view, we have purposely abstained from all ingenious theories and questionable speculations, and confined ourselves to such safe, simple, and radical directions, as all benevolent individuals of ordinary understanding can at once perfectly comprehend, and correctly apply. The good that may be done, or the misery at least that may be prevented, at such a season as this, by their resolute exertions, we verily believe to be incalculable:—and are persuaded, not only that the present scene of affliction may thus be speedily made to pass away, but that the habits and precautions to which the great body of the poor, and their immediate advisers, may thus be successfully trained, will prevent the recurrence of the same evils, on any future occasion, to nearly the same extent.

ART. X. 1. *Oppressions and Cruelties of Irish Revenue Officers; being the Substance of a Letter to a British Member of Parliament.* By the Reverend EDWARD CHICHESTER, A. M. Rector of the Parishes of Cloncha and Culdaff, in the County of Donegal, and Justice of the Peace for that County. London, 1818.

Hoc fonte derivata clades.—HOR.

2. *Observations on the Reverend Edward Chichester's Pamphlet, entitled Oppressions and Cruelties of Irish Revenue Officers.* By ÆNEAS COFFEY, Acting Inspector-General of Excise. London, 1818.

3. *A Second Letter to a British Member of Parliament, relative to the Oppressions and Cruelties of Irish Revenue Officers; wherein the Observations of a former Letter are considered and refuted.* By the Reverend EDWARD CHICHESTER,

A. M. Rector of the Parishes, Cloncha and Culdaff, in the Diocese of Derry, and Justice of the Peace for the County of Donegal. London, 1818.

We have risen from the perusal of these pamphlets with very painful impressions. The facts they disclose would have excited our compassion and indignation, though they had occurred in a foreign land: And it is really lamentable to think how little the state of Ireland is known and considered in this country;—with how dull an ear her complaints are heard, and how slow a hand is stretched out to her relief. The public mind, indeed, has, for some time past, been alive to the larger questions that involve her welfare; but most people have no more knowledge or care about the details of her government, than about those of the Russian. What is worse, the Legislature itself is not altogether exempt from this indifference; so that, where the power of remedy exists, she often finds her grievances unfelt. Into the causes of this apathy towards Ireland, it is not now our intention to enter. It is one of the results of that fatal policy, which, by treating her more as a conquered province than a sister kingdom, has long fomented the seeds of division and hostility, and prevented the growth of those sentiments of common interest and mutual affection which form the true and natural bond of union among the subjects of one empire. We flatter ourselves, however, that there are some recent symptoms of amendment in these respects; and we are sure that its necessity cannot be better demonstrated, than by briefly stating the substance of the papers before us.

They relate to the measures that have been adopted during the last twenty years, for the suppression of the illicit distillation which has prevailed in the northern and western, and some of the central counties of Ireland. Had those measures been censurable only as inadequate to prevent fraud against the revenue, we should have felt ourselves scarce justified in canvassing them here. But their inefficiency is the least ground of objection;—they are conceived in the very spirit of injustice; they visit, with heavy and indiscriminate penalties, the innocent and guilty; they are of such a nature, that the civil power, without the aid of the military, is unequal to their execution; they would terminate in the ruin of the districts where they are enforced, but that the excess of their rigour necessitates their occasional suspension; they destroy the morals of the people, and alienate their affections from Government, by exposing them to a mode and measure of punishment unknown to the happier and better ordered parts of the kingdom.

As it is not unadvisedly, or without reflection, that we have thus characterized the branch of the revenue laws to which we allude, we imagine the subject, though in some measure it may appear of a local and confined interest, to be unquestionably worthy of general attention. In the *first* place, we own ourselves to be deeply concerned for the numbers who suffer under these laws, and who have little chance of obtaining redress, till their situation is understood upon this side of the Channel. In the *next* place, we shall find in them a practical and living illustration of the manner in which the domestic government of Ireland is too often conducted. Participating, as she does, in the British constitution, we easily suppose that its spirit must be everywhere visible in her administration. Nothing can be more natural than this opinion. Unfortunately, it is erroneous. The principles, from the confirmed ascendancy of which we enjoy so much confidence and repose, exert as yet but an irregular and unsteady influence in Ireland. She daily suffers under measures of severity and harshness, which would be intolerable here. Some of them may occasionally be rendered necessary, by the greater insubordination of her people; but they have frequently proceeded from the impatience of her rulers, resorting to coercion as the shortest method, and attempting to do at once, and by violence, a work, it may be of improvement, but which time alone can effect, and a gradual well-directed change in national sentiments and habits. General complaints, besides that their vagueness lessens their effect, are easily met by denial, or charged with inaccuracy and exaggeration. But it is more difficult to deal with specific facts, which not only admit nothing short of a direct and decisive answer, but furnish surer and more striking conclusions. The character of the Government may be judged of by the prevalence of particular measures, just as that of an individual may be estimated by his conduct on particular occasions. Of course it were unjust, in either case, to extend the inference too far; but if the measures or the conduct be glaringly and unequivocally unjust and oppressive, we may be sure that there is something not quite right at heart. In the *third* place, we can scarcely imagine a more forcible example of the impossibility that good government should exist where the Legislature is not identified in interest and feeling with the people. This has never been the case in Ireland. Various causes contributed to prevent it before the Union. Some of these, particularly a difference of religion, have continued since. To which it must now be added, that she is governed by a Legislature, many members of whom are strangers to her interests and situ-

ation,—are in no respect affected by the peculiar laws enacted upon her account,—and therefore are led, by considerations of convenience, or a slight show of expediency, to confer powers, which nothing but absolute necessity would be thought to justify in England. If they are thus lightly granted, they are likely to be freely used. The same circumstances which caused them to be bestowed without scruple, diminish the responsibility attached to their exercise.

There is no great difficulty, as it appears to us, in fully understanding the general merits of the system pursued for the suppression of illicit distillation; nor is it at all necessary to go into the intricacies and contradictions of the Excise laws. It is quite clear, that there can be no better subject of taxation than distilled spirits, which form a luxury of very general consumption. The higher, too, it is practicable to raise the duty, so much the more advantageous; because, while the same revenue is yielded, the increase of price will withdraw the commodity in some degree from those classes in which its use is most liable to dangerous and immoral excess. But however advisable it may appear to derive the same revenue from a higher duty on a smaller quantity of spirits, many obstacles present themselves to the accomplishment of this purpose. In particular, a competition is instantly excited between the legal and illegal distiller,—the duty imposed on the former, operating as a bounty to the latter. This, however, is not all. To facilitate the collection of the revenue, various means are adopted to throw the distillation into the hands of large capitalists; and as, in such a manufacture, there are great facilities and strong inducements to commit fraud, the manufacturer is not allowed to work up the raw produce in his own way, and in the manner best calculated to ensure its sale; but every step of the process is put under statutory rules, which, it may easily be conceived, are not calculated to produce a marketable commodity. It will be found, accordingly, to be an almost invariable fact, that legal spirits, whether from the mode of distillation, or from the materials used, are not an object of preference, but generally of distaste,—'Parliament whisky' being a common term for a nauseous and deleterious spirit. The legal distiller, who thus produces at a high price an unpalatable article, has no protection but the monopoly which the law confers on him. This monopoly, however, it is impossible to maintain, in opposition to the tastes and habits of a great part of the community, who have neither power nor inclination to purchase the legal spirit, but who are willing to pay the illicit distiller a profit, which in general is sufficient to make up for the hazard he incurs from the penalties of law. In a country, indeed,

thickly peopled, of orderly habits, and under a well organized police, and without the retirement and command of fuel which illicit distillation requires, the legal manufacturer may be in a great measure made secure of his market, and protected by the activity and vigilance of Revenue officers, from the competition of spirits which have not been regularly charged with duty. The case, however, is evidently quite different in a waste and mountainous country, like the Highlands of Scotland, and very extensive tracks in the northern and western parts of Ireland. These uncultivated and inaccessible districts, abounding with water and fuel, give every encouragement to illicit distillation; the more especially, as the capital required is small, and the sale of the spirits produces a quick return in money, while the profit, in the present state of the law, is generally sufficient to compensate the loss by seizures, and the personal danger to which delinquents are exposed. As the illegal distiller can afford to pay a considerable price for the scanty crops of barley which are grown in these districts, and for which in fact there is often no other competitor in the market, it is natural, and indeed almost certain, that he will be encouraged by the smaller tenants, who, on the one hand, sell their produce advantageously, and, upon the other, receive the commodity they are in want of.

From all these causes it could not fail to result, that when, about thirty-five years ago, the Irish distillery laws were assimilated to those of Britain, the small stills, indirectly at least suppressed, and the manufacture placed in the hands of the great capitalists, under burden of heavy duties, illicit distillation should begin to prevail in Ireland, in its more mountainous and deserted districts, to a very formidable extent. In 1807, the Commissioners appointed to inquire generally into the fees, &c. of public offices in Ireland, in their report upon the Excise, calculated upon what they thought reasonable *data*, that one-third part of the spirits consumed in Ireland, was illegally distilled. The injury to the revenue was consequently great. The pernicious effects upon the people were still more to be lamented. These were not only the increase of drunkenness, from the abundance of spirits, but the disorderly and profligate habits, the destruction of industry, and contempt of authority, which, sooner or later, mark the character of the smuggler. Such a wide-spread and alarming evil very early called the attention of Government; and, in the consideration of its causes, the true means of its correction might have been discovered. A reduction of the duty, by diminishing the profit of the illicit distiller, would have removed much of the temptation which led him to defy the menaces of the law. Then,

by encouraging the smaller capitalists, partly by enabling them to distil at greater advantage, and partly by establishing a warehousing system, which admitted of the spirits being stored, and the duty remaining unpaid, till they were thrown into the market for consumption, he would not only have been met in the general market, by a spirit of the same quality with his own, and adapted to the taste, natural or acquired, of the country; but he would have been opposed by a powerful and active enemy, in the very district of his manufacture, which easily allowed the establishment of smaller stills. The legal manufacturers having the strongest interest to put down illicit distillation, would have afforded the most strenuous assistance to the revenue officers;—while, on the other hand, by purchasing the barley from the poorer tenants, they would have destroyed that natural alliance which the mutual wants of each tended to establish between the latter and the illegal distillers. It is quite true, that in spite of all these precautions, smuggling would have prevailed to some, perhaps even a considerable, extent. But, in the mountains and bogs of Ireland, it is an evil indigenous, the growth of which may be checked, but which never can be eradicated. Though legal whisky too would have become more abundant; still the price of spirits, generally, would not have been lower; for what was gained in the one way, would have been removed in the other; so that there could have been no undue encouragement for consumption. No doubt, too, the increase of small stills, and a diffusion, as it were, of the manufacture over a larger space, might have increased the expense of collection, and multiplied the opportunities of fraud. But, if the system had been digested with tolerable skill, the revenue would have been a gainer on the whole; and, in a question of this sort, it is not the actual, but the relative loss that is of importance. Some revenue is better than none at all.

Instead, however, of attempting to alter the system of distillery laws, as borrowed from England, and adopting a new one better fitted to the circumstances of the country;—instead of the preventive remedy which is always the most advisable when it can be used,—the Government of Ireland resolved to suppress illicit distillation by violent means, and to counteract, by the vengeance of the law, a crime, the temptations to which were left unimpaired. Besides the penalties inflicted on delinquents, including transportation for seven years, and all the extraordinary powers vested in the officers of Excise,—the expedient was resorted to, of imposing a heavy fine upon *every parish* in which an unlicensed still should be found. This was the plan of the earlier acts; but afterwards, by the 45th and

46th of the King, *the town lands*, as well as the parishes, were made liable in a penalty of 50*l.*, which, in the subsequent year, was made exigible for every unlicensed still, or part of, or appendage to a still, or worm or utensil for distilling, or for wash or pot ale, or low wine or singlings, *found within the town-land or parish.* This fine, in 1809, was raised to 100*l.* Sterling. It was, in 1810, declared that no fines should be inflicted till the assizes 1812; and levy of the arrears was suspended. In 1812 the system was abrogated entirely. But, in 1813, it was revived; and, by a statute passed in that and the subsequent year, the penalties were imposed on town-lands, quarter-lands, manors, and lordships, &c.; for the first offence, as it was called, 25*l.*; for the second 40*l.*; and for the third 60*l.* The law, in this respect, appears to have remained the same. One half of those fines are given by statute to the excise officer informing, who is declared to be a sufficient witness. There is no defence against the fine, unless the defendant can traverse the fact of the articles being found, or establish, what is evidently hopeless, that they were left for the collusive purpose of subjecting him to the statute. The most perfect good faith is of no avail in his defence. He is liable to the penalties, though he devoted his whole time, night and day, to the detection of illicit distillers, and the destruction of their trade. As to the mode of levying the fine, Mr Chichester observes,

'After a fine has been imposed, the inhabitants are required to applot upon themselves their respective proportions of it; and, in case of omission, the exciseman is authorized to obtain the amount, by taking it from any person residing within the district. The time granted for assessing it is thirty days from the date of the imposition of the fine; * but, in the mean time, the inhabitants are kept in profound ignorance of the want of the information against them. The applotment, therefore, does not take place; and the exciseman generally levies the fine with a degree of oppression and violence, punishable with death, were it not legalized by this extraordinary statute. In most cases, it is usual to notify the decisions of Courts of Justice to those persons against whom judgment has been given; but, in cases of fines for illicit distillation, such a proceeding would deform the symmetry of the law, by giving it a solitary point of resemblance to the British Constitution.

'Another anomaly in this law is, the extreme difficulty in taking defence against information for a *still* fine. The purse of the nation pays the expenses of the informants; † but the poor peasants have no public treasury on which they can draw. When they succeed in defeating the information, *they are not enabled to recover their costs*

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* 54 Geo. III. cap. 50. † Ibid.

off the opposite party. The various expenses which they incur by defending themselves, amount at least to seven pounds, which constitute in themselves a heavy fine; and thus the wretched people (a great proportion of whom are ignorant) are compelled to let judgement go against them by default, and are inevitably destroyed by the double-edged sword of the law.' *1st Letter*, p. 11.

Under these statutes, during the course of seven years, fines have been imposed to the amount of 356,925*l.*;—or 50,989*l.* a year. Upon the county of Tyrone, the fines amounted to 26,825*l.*, which Sir John Stewart Bart. M. P., in his evidence before the Committee of the House of Commons in 1816 (p. 37.), proves to have been *levied.* In the county of Donegall, the fines from summer 1809 to summer 1815, amounted to 72,540*l.* It does not appear that the levy in that county was as complete as in Tyrone; but, when it is considered that half the fines were given by the statute to the Revenue officers, we may believe, and we shall immediately see, that they did not neglect their exaction.

Having given this glimpse of the extent to which these statutes have been enforced, it is worth while to inquire for a moment, upon what principle a parish or town-land is liable to be amerced, and the goods of all or any of the inhabitants carried off by distress, because a still, or part of a still, has been found in it. If the law rest on a presumption that the inhabitants of the town-land or parish are accessary to the crime of illicit distillation, nothing can be more unreasonable or absurd. Even in that case, the fact of accession should be proved. But in truth, there is not the slightest pretence for supposing such a general accession as can warrant the sweeping and indiscriminate application of a penal statute. With respect to the gentlemen of the country, suspicion is altogether out of question, independently of the resolution of the Committee in 1816, that illicit distillation was injurious to agriculture. It seems to be hinted by those who support the measures of Excise, that the smaller farmers, who find a profitable market for their barley, give all encouragement to the illicit distillers, and, through the price which they obtain, participate in the crime and its profits. It is obvious, however, that the farmers would be much better pleased to sell their corn to the licensed manufacturer, who must always afford a steadier and a securer market; so that the establishment of small stills, or, in other words, the transference of the trade into the hands of small capitalists, would do away this imputation. But, whatever truth there may be in it, and probably the small farmers do not scruple to sell

to distillers for a higher ready-money price than they can elsewhere obtain, it is quite evident that this never can amount, in the view of common sense or of law, to any thing like accession to the criminal practices which these penalties are intended to put down. Far from any community of guilt, there is, in many instances, not the slightest connivance; and people suffer under these statutes, who are not only innocent of the offence for which the penalty is imposed, but who, till their goods are distrained, were totally ignorant of it. Parishes in Ireland, we are informed, are generally four or five times larger than those in England; and, in the mountainous parts of the country, still more extensive (*First Letter*, p. 8.) Town-lands, in the mountainous districts, sometimes extend to a thousand, or fifteen hundred, or two thousand acres; and are occasionally three miles long.* Over this space the inhabitants do not live scattered, so as to have many points of observation, but generally in villages, and small clusters of houses. All the respectable evidence before the Committee coincides in stating, what indeed is obviously true, that it is impossible the inhabitants in general, if attending their usual occupations, can have any knowledge of what is going forward in an opposite quarter of the parish or town-land. This would be true, though distillation were openly carried on. But the work is usually conducted at night, and with so much art, that detection is a matter of great difficulty. Thus, Arthur Chichester Esq. M. P. states in his evidence, 'That he has been within twenty yards of a still, without discovering it, and probably would not have discovered it, if it had not been pointed out as he came upon it accidentally. In those trackless mountains, on the bank of a deep river, they are frequently constructed with green sod.' He adds, that in the town-land of his own residence, an illegal still might be erected without discovery. It were needless to give much more evidence to the same effect; and we shall only refer to that of James Daly Esq. M. P. who declares his opinion, that stills may be worked, and be scarcely perceiveable. He adds, 'I myself, when shooting, have trod upon the top of a still before I knew there was one there at all.—It being then at work?—It being then at work. Three or four I have known the same way. I don't mean to say that there is no sort of smoke; but you would hardly perceive it, as the people use small little pots.'—*Minutes of Evidence, p.* 27.

With these facts before us, there is plainly no ground for the supposition that the whole inhabitants of the country are engag-

* Minutes of Evidence before the Committee of 1816, pp. 10, 35, and 60.

ed in one system of criminal connivance, and justly obnoxious to severe inflictions, without any difference of individuals, or any investigation of particular guilt.

But to show at once the absolute disregard of justice which pervades every part of these enactments, it is enough to mention, that no provision is made for the case of absentees. The estate of a proprietor not resident is equally subject to the penalties. Fines were imposed upon Colonel Barry, and upon Mr Stewart, when both these gentlemen were attending their duty in Parliament.* There is no provision made for the case of sickness. § Sir John Stewart's estate was fined for a still set up while he laboured under fever. There is no provision for minority. There is no protection afforded for the widow or the orphan. All classes are equally included. The penalty falls just as chance directs it; for the framers of these laws bind the eyes of justice, and forget that she bears the balance as well as the sword,—to weigh before she strikes.

It is vain, indeed, to look for any principle upon which such enactments can be vindicated. The fact is, when fairly avowed, that their object is to force the people, by the most violent compulsion, into a general combination against illicit distillation; —to oblige every man to become an informer against his neighbour, and to devote himself to the extirpation of that offence against the revenue. Such a system falls with peculiar hardship upon the landed proprietors, who, from their situation, can know little about the proceedings of the actual delinquents, and who really have it not in their power to repress the evil by any exertions of their own, or any influence they can use over their tenantry. A tenant does not forfeit his lease, because he has distilled without license; and, even where he has no lease, the process of ejectment is not only difficult, but the tenant, in many instances, can defy his landlord; as, from a well known league among the lower classes of Ireland, no man will dare to occupy the room of a tenant who has been turned out for what, in their opinion, was an inadequate cause. What the landed gentlemen could do, they appear to have done,—by the publication of resolutions,—by giving active assistance to the revenue officers,—by prohibiting the use of illegal spirits,—and refusing to renew leases to those of their tenants who have been concerned in distillation. Yet, notwithstanding all these exertions, enormous fines are imposed upon their estates, and they are deprived, in many instances, of their rents, by the seizure of the only funds out of which they can be paid.

* Evidence, pp. 30. 58. § Ibid. p. 36.

But without speaking of the hardship to which a particular class is subjected, we must say, that the whole scheme of these statutes is unconstitutional and unjust. What can be said in defence of a system, which would transform all the inhabitants of the country into concurrents of excise officers, and which would oblige gentlemen, farmers and labourers, under ruinous penalties, to desert their usual occupations—to forsake the amusements and the business of their lives—to abandon the work which may be necessary for the subsistence of their families, in order that they may assist in the collection of the revenue? Nothing can be more certain than that, without an exclusive devotion of their time, they would be incapable of accomplishing, in any degree, the ultimate object of these laws. Even then, they would not entirely succeed; but, though success were the consequence of their exertions, they never can be required to ensure it by the sacrifice of what is most valuable in life. We must say too, that we cannot consider, without horror, this system of extorting information. We should be shocked, in any circumstances, at a measure which must spread so much jealousy and distrust among the population; but to those who are acquainted with the habits of the Irish, the consequences must appear unusually mischievous. 'There is one respect' (says Mr Chichester) 'in which the system of fining districts is irreparably pernicious to the morals of the lower classes; and that is, the obligation which it imposes upon each man to become an informer against his neighbour. However honourable and necessary it may be to make open discoveries in cases of felony, nobody will maintain that a peasantry can be improved by a habit of giving petty informations against their friends; of spurning the most obvious maxims of social life, and violating the common principles of honour. Of all the nations on earth, the Irish are the most unlikely to become informers. Their great fault is, a criminal fidelity to each other. Acting on a false principle of benevolence, they would at any time risk their lives to conceal a thief or a murderer, and are taught from their infancy to believe, that all sins are pardonable except that of giving information, even in aid of justice; consequently, a law which compels them to make discoveries on their neighbours, for offences apparently venial, is totally unfit for them; being founded on ignorance of their manners and dispositions, and therefore opposed to the most common axioms of legislation.' p. 18.

But, leaving the principle of these laws, which we have no room to discuss more at large, we must now give our readers some idea of the manner in which they are carried into execution—extracting a few passages almost at random from Mr Chichester's First letter. We have great confidence in the accuracy of that gentleman's reports. Where the same point is

touched, he is confirmed by the Minutes of Evidence in 1816; and we think he has successfully answered the objections that have been made to his statements by the author of the Observations.

'Some of the districts which were visited with the severest punishments were those which, though unimpeached for illicit distillation, had admitted cattle belonging to town-lands that had been subjected to fines. This offence, however, it was impossible to avoid, as the whole barony of Innishowen is unenclosed, and every man is exposed to the incursions of his neighbour's cattle.

'The unrelenting manner in which the law was exercised, induced some compassionate landlords to pay the fines for their tenants, rather than witness the plunder of so many innocent people. One gentleman (Mr Robert Young of Culdaff) became responsible for 2000*l*., as the only means of sparing himself the distress of seeing the destruction of his tenants. The benevolence, however, of those gentlemen proved fruitless, for the exciseman soon demanded new contributions on new pretences; insomuch, that it would have been impossible to have satisfied the impending requisitions by means of the produce of the soil, unless it had been composed of gold-dust. Mr Young even took his sons from the University, that they might suppress illicit distillation on his estate; and they have been compelled, almost ever since that time, to endure fatigue, cold, and watching, for the purpose of controlling their tenantry; and to employ, as their assistants, a large corps of yeomanry at their own expense. Yet, notwithstanding all these exertions, and their seizure of nearly an hundred private stills, the illicit trade exists on that estate, and affords a practical commentary on my assertion, respecting the impossibility of restraining clandestine distillers, by compelling landlords to declare war against their tenants. The Board of Excise, however, made no remission of the fines levied on Mr Young's property, notwithstanding his endeavours to save them; and they enforced with rigour the two thousand pounds for which he was under an engagement.

'Mr Alexander Stewart of Airds, representative in Parliament for the county of Londonderry, (but a residenter in the neighbouring county of Donegall), used the most energetic means as a landlord, to intimidate his tenants from engaging in illicit distilleries, and ejected several of them, to the great detriment of his means of assisting his friends who might be candidates for the representation of the county of Donegall. These decided measures proved inefficient; and, in the year 1815, parts of his estate were fined for private distilleries. An inoffensive man, one of his tenants, who had been compelled to pay a fine, incurred by others, determined to try how far fortune would assist him in recovering, by legal proceedings, the amount of the penalty so cruelly levied on him; but that fickle goddess favoured his adversaries, and caused him to fail in his suit.' p. 38.

'The following circumstance, which occurred in the year 1815, is an instance which will corroborate my opinion of the injustice of

punishing landlords for the faults of their tenants. Major Ball and Captain Charleton of the 85th regiment returned to Ireland from the United States of America, after having served in the gallant army which captured the metropolis,—the former afflicted with a dangerous intermittent, the latter severely wounded. Both these gentlemen possessed properties in Innishowen; but when they visited them on their arrival, *they found that they were in debt for still fines, to nearly as great an amount as could have been procured by their sale.* Here then is a proof of the inefficiency of the fining system; as no advocate for Revenue tyranny can presume to assert, that private distillation was patronized by these distinguished officers of a gallant regiment, while they were subduing our implacable enemies on the other side of the Atlantic Ocean, and avenging the wrongs of their country.' p. 44.

'When cattle were seized for still fines, they were usually driven by the Excisemen to a pound at the village of Carndonagh in Innishowen: in that place they were stowed for some time previous to their removal to Londonderry, a distance of twenty miles. While they were kept at Carndonagh, their owners frequently attended at the pound, in hopes of being permitted to feed them; and, on such occasions, most distressing scenes frequently took place. Mothers, with their perishing children in their arms, supplicating the sentinels for permission to give them a little milk from their own cows: the infants also bewailing their unmerited sufferings, and importuning their distracted parents for sustenance, which it was impossible to give them. The military employed in this dreadful duty, frequently appeared affected, and sometimes gave a part of their daily pay to mitigate the bitter sorrows which they witnessed. But such humanity was vain; for devastations extended over too wide a range to admit of individual assistance.

'In June 1816, Mr Stewart of Ards, (the same gentleman who used so much energy in dissuading his tenantry from illicit distillation), was subjected to the hardship of the Excise Laws, while attending his Parliamentary duty in London. His cattle were seized and driven away for the payment of a still fine, and would have been maltreated, sold, or killed, had he not possessed friends, who preserved them. The collector of the fines refused to release them on any terms, except ready money; and exacted the sum of twenty-four pounds from his family, with as much strictness as if Mr Stewart had been an unlicensed distiller.' p. 61.

'Mr Henry Alexander, formerly a member of the House of Commons, and Chairman of the Committee of Ways and Means, has, during the last fifteen years, expended large sums of money in reclaiming waste lands in Innishowen. After contending against many difficulties, he had succeeded in converting a sterile waste into profitable soil, and displaying to the natives the effects of taste, industry and science. The surrounding country had begun to feel the benefit of increased produce, and to derive improved habits from his example: The money, also, which he had caused to circulate among the

neighbouring poor, had increased their comforts, and excited their exertions. This gentleman is now serving his country as chief Secretary to the Government of the Cape of Good Hope, and dwells about six thousand miles from the scene of all offences against the Irish Excise Laws; but he, even thus situated, could not escape punishment. The cattle which were grazing on the land thus rescued from sterility, were seized, and sold by auction, notwithstanding many earnest and authentic representations made to the persons who thus exacted the payment of a still fine imposed on him for an offence committed in an opposite hemisphere.' p. 63.

'What will be thought of such statements as the following, when it is reflected that a clergyman and a magistrate, of unimpeachable character, has publicly pledged his name to their truth, and demands open inquiry.

'In September 1815, John Doherty, a very poor man, resident in Innishowen, was visited by the collector of still fines, who was attended by a strong military force. They commenced by depriving the unhappy man of his cattle and household furniture; they next carried off his grain which he had just shorn, and took from him even the smallest implements of husbandry belonging to his little farm. After this, they seized the wearing apparel of his family, not excepting their shoes and stockings, and finished that act of the tragedy, by robbing his little children of their clothes. After they had thus got possession of all the cottage contained, they tore its doors away, and burned them in presence of the weeping family, in order that they might cook their dinner, consisting of provisions forcibly obtained at their cottage. Some poultry, however, still remained, which had not been observed at first, and these the soldiers killed and put in their knapsacks, that they might feast upon them, when they arrived at their quarters. This unfortunate man and his family immediately became dependent on the charity of their neighbours, in consequence of the sufferings of that day.' p. 46.

This case does not stand alone. It would be extremely easy, from these pamphlets, and from the Minutes of Evidence before the House of Commons, to produce a thousand instances of the misery occasioned to the tenantry and peasantry by the levy of these *still* fines. But we have said enough to ensure the attention of every one who feels for the interests of Ireland; and our limits do not allow us to exhibit the subject in detail. It is impossible, however, not to advert to the consequences of this system upon the morals and habits of the people, to whom these laws will be found even more pernicious than to their fortunes. They have not failed to produce all the disastrous effects which might have been expected from a scene of plunder carried on by legal agents, and under sanction of law. In speaking of this part of the subject, Mr Chichester does little more than sum up what will be found at great length in

the Evidence before the House; and says nothing that does not seem to be fully authorized by the testimony of all the most intelligent and respectable witnesses who were examined.

'The country gentlemen,' says he, 'are still well affected, and would sacrifice their lives and estates for the preservation of the Constitution; but the injuries experienced by the peasantry, have alienated their minds from every thing that good subjects and good Christians ought to respect. Law is odious to them; and religion perverted Their governors they consider as their tyrants; and the most necessary regulations of civil society are detested by them, as the mandates of despotism, or the chains of slavery.

'The peculiar circumstances of Ireland have caused her people to be undervalued by the happier nations of Christian Europe. Though endowed with generous hearts and brilliant talents contingencies have produced in them a susceptibility of false impressions, of which the emissaries of jacobinism would eagerly take advantage. The unhappy state of the peasants of the north-west of that country is an inference obvious to all who are aware of their acts; and the crimes of the populace unhappily confirm the justice of such a conclusion. The state of irritability into which they have been driven by such means, ought to have been considered previously to enacting any law of unprecedented severity; for the levying of exorbitant still fines off such a peasantry, is little less than the application of a torch to a magazine of gunpowder.' p. 66.

'Next to the felonious spirit which has been raised by revenue oppressions in Innishowen and other parts of Donegall, the most deplorable consequence is an utter indifference with respect to the observance of oaths. This crime has unhappily been too general in Ireland, ever since the Rebellion in the year 1798; but its prevalence is particularly notorious in the districts which have suffered under Excise exactions. In those places, the inhabitants, when driven to distress, have often entered into the most awful contracts to cease from illicit distillation, on condition of exemption from the remaining fines which were impending over them. These contracts they have often confirmed by solemn and unequivocal oaths; but, as soon as they had disarmed suspicion by the sanctity of their engagements, they generally recommenced the exercise of their abjured trade.

'Previously to the late severe inflictions of revenue punishments, the inhabitants of the remote parts of the barony of Innishowen, afforded a prospect of gradual, religious, and moral improvement. Many of them had caught, with an eager grasp, at the advantages offered to them by the Association for Discountenancing Vice, and the Hibernian Sunday School Society. In some of the parishes, even those which are the most addicted to smuggling, the peasantry had frequently contributed small sums towards the maintenance of schools for the poor. The children had almost all learned to read, and the greater number of the cottages possessed either a Bible or

Testament, exclusive of various other improving books: In many instances, parents had begun to receive the light reflected from the minds of their children, and to indulge a laudable pride in hearing them lisp the praises, or repeat the commands of their Creator and Redeemer. But the Board of Excise, by exciting the spirit of revenge, and aggravating the effects of famine, have dissipated all these flattering visions of future civilization. Many of the innocent tongues which afforded such delightful expectations, are now mute in the grave, in consequence of famine and its attendant diseases; for, as I have already stated, the seizure of cows deprived children of their chief support. The malignant sentiments of human nature have now taken place of the benevolent; and the peasantry have discontinued the sums formerly contributed by them for education.

'In those places where churches and glebe houses are required, the same cruel cause prohibits improvement. The liberal loans which Parliament has authorized for their erection or restoration, have proved useless, the clergy being unable to secure even the interest of the money so advanced, in consequence of the general devastation; for when the inhabitants are unable to support their lives, they deem such expenses extraordinary and unnecessary. By the late inordinate levy of still fines, every thing good appears to have been annihilated, and every thing bad promoted.' p. 90.

After what we have just seen, it may be edifying to follow this Town-land fining system into the Courts of Justice, and observe the caution with which the penalties are sometimes imposed. Sir John Stewart,* after stating that he knew many instances of fines, where the inhabitants must have been ignorant of the offence, as where a man had dropt a still, or some part of it, in a Town-land, and explaining that the costs of suit precluded the poor from making any defence, goes on to inform the House—'At the last Assizes held at Lifford, I believe four days were allowed for the whole business of the county. By the law, all these informations have precedence, and must be tried before any thing else. There were *five hundred and ninety three* informations for still fines to be tried. After sitting a good while, one of the Grand Jury came into the Jury-room, and said, the Judge had tried them at the rate of one a minute. His words were, "He knocked them off at the rate of one a minute;" and they went on in that manner till the Grand Jury remonstrated, and stated, that the gaol could hold no more.' We are at a loss which to admire most—the law, or the way in which it is administered. This is by no means a solitary instance.

We have no room, however, for further extracts; and must refer any one who is anxious to acquire a more exact knowledge of the subject, to the sources of information we have pointed out,

* Minutes of Evidence, p. 36.

There is another feature of the system, however, which cannot be passed over in silence. It appears scarcely possible to execute the laws in question without the aid of the soldiery. That the people should oppose every obstacle to their execution, is but too natural a consequence of the opinions they entertain of them, and of the despair to which they are driven by the unrelenting levy of the fines. They consider themselves engaged in warfare with Government; and resort to all means of fraud and violence, to disappoint its officers and agents. They concert signals by which to intimate through the district a gauger's approach; because their innocence, affording them no protection, they cannot escape the punishment of presumed guilt, but by giving the illegal distiller warning to carry off the materials of his manufacture, so that nothing may be found to subject their town-land or parish to a fine. They proceed to greater extremities. There are instances of cattle being slaughtered to prevent their falling into the hands of the Excise; and they even resist, by open violence, the execution of the law, to an extent which could scarcely be credited. No levy of fines can be made without the cooperation of the military; and if the collector venture to leave his escort but at a short distance, his life is inevitably in danger. This is no idle parade.—The parties are attacked;—they must often overcome by arms the opposition of the peasantry; and must sometimes fight for their own safety. More than once, considerable detachments have been surrounded in the mountains,—the passes have been occupied, and the means of retreat cut of,—and the troops forced to retire under a disgraceful capitulation, and the abandonment of their seizures. This frightful scene is exhibited wherever the exertions of the Excise make themselves to be felt in the levy of the Town-land fines.

We are very far from justifying this popular resistance to the officers of law; but it is impossible to deny, that there is a great deal to palliate it. The guilt of illicit distillation itself is not very obvious to a rude and ignorant people. It is not one of those crimes which human nature regards with an instant and instinctive abhorrence. To discern its criminality requires some knowledge of the relations of civil society—a clear perception of the injury done to the fair trader—of the necessity of enforcing the duties which supply the public revenue—and of the demoralisation which inevitably results from addiction to illicit traffic. Still, however, the lowest classes may be made to see the propriety of chastising, even with severity, the actual delinquent; But they never can be brought to understand, why a whole country should be involved in a common presumption of guilt; the innocent, and perhaps the deserving, find no advantage in

their character; and a peasant, with his family, reduced to beggary, because a crime has been committed, far from his dwelling, without his accession, probably without his knowledge. Ruinous penalties so inflicted, have in them more of the blindness of vengeance, than the sober discrimination of justice; and exhibit, especially to uninstructed eyes, the proceedings of a capricious and arbitrary master, not the wholesome correction of a parent. The people may be undisciplined, and easily excited to disaffection: But then, the more is it indispensable that the cause for which Government arrays herself in terror should be visibly the right, and that her reason and her equity should be conspicuous even in her sternest mood. Nothing can vindicate measures which give more than a colourable ground of discontent, and engender sentiments that destroy the peace, and menace the existence of society. Nor is the effect of such scenes on the army to be forgotten. They cannot be engaged in a more odious service than the enforcement of these fines. It familiarizes them with an image of the worst parts of war,—of plunder and pillage,—and renders them habitual and callous instruments of the sufferings of their countrymen.—But this is a topic which we should regret to think needed any comment.

The only semblance of justice the Town-land fining system shows, is allowing to the persons on whom the penalty has been levied, recourse against the actual offender. This, however, is but a mockery in practice. The costs of suit, and the difficulty of conviction, of themselves abridge the remedy. But, in truth, it cannot exist at all; for the illicit distiller is generally of the lowest order, without any visible estate, whose funds are secreted, and commonly dissipated by his profligate habits, except what may be required for the continuance of his trade. Look to the fact. Can it be imagined, that all the illicit distillers in Ireland could repay the 350,000*l.* imposed during seven years?

Exhausted as the finances of this country are, we still think there are higher considerations than treasure; and would hazard an opinion, that no gain on the score of revenue could compensate the mischiefs that experience has shown to be inseparable from these enactments. But what shall we say, when we discover, to crown all, that this *system of penalty and terror has had no decisive success? In some districts which are overrun with excise-officers and soldiers, and where the gentry and yeomanry scour the country in search of stills and distillers, illicit distillation, though seldom entirely subdued, is very much suppressed. Where the vigilance of the officers, however, is relaxed, or where the army is not present, it continues with unabated vigour; and in some places it seems to brave the law,*

and continue active, amidst the misery and desolation of those tracts which have most suffered under the exaction of the fines. Mr Chichester, in his First Letter, page 93, says—

'The mountainous parts of Ireland attest the truth of this assertion, especially the county of Donegall, which seems to have been made the field of trial between the Board of Excise and the illicit distillers. I appeal to every inhabitant of that county to declare, whether they ever witnessed so much unlicensed spirits conveyed along the public roads, or knew of so many unlicensed distilleries as exist at the present moment; and if, in some small districts, the practice has suffered a momentary depression, the smothered fire bursts out with increased force in their vicinity.' In his Second Letter he adds, 'That such a system has been unsuccessful in the county of Donegall, is evident to any person who knows that, during the last two years, fines have been incurred by the several townlands in that county to the amount of 30,000*l.*; notwithstanding that the Board of Excise had nearly destroyed some parts of that county by their previous severity in the levy of them. And be it remembered, that, in the *last month*, at the assizes, fines were imposed, for recent offences against the distillery laws, exceeding the sum of 9000*l.*—a circumstance sufficient, I should think, to silence the clamours of all those misinformed merchants and interested excisemen, who demand the continuance of cruelty.'

It is by no means difficult to explain these effects. By giving one half of the fine to the excise-officer informing, the law, far from ensuring the active fulfilment of his duty, exposes him to almost irresistible temptations to fraud. It is in evidence, * that officers having 60*l.* of salary make between 500*l.* and 1000*l.* a year, of seizures and premiums, and would be reduced to their salaries were illicit distillation repressed. Persons in their situation have seldom such virtue and disinterestedness, that we should expect them, from mere conscience, to destroy the source of such uncommon profit; † and the Irish guagers seem to be by no means of proof quality, but to fall below the ordinary standard of Excise. Their interest and duty are thus too directly at variance, to make it doubtful which should ultimately prevail; and there is too much reason to believe, that the officers often connive at the continuance of the trade, and make their seizures, less with the view of eradicating the evil, than of procuring the imposition of fines. It is not for their advantage to banish the illicit distiller, from whose punishment they reap comparatively little emolument, but to preserve him to a certain extent, and make him the occasion of pecuniary penalties, to be

* Minutes of Evidence, p. 37. *et alibi.*

† See Report of Commissioners in 1807, and other documents referred to by Mr Chichester, in his Second Letter, p. 12. &c.

levied from the landholders. That there has been very great misconduct, and wilful encouragement of illicit distillation, on the part of the excise-officers, is certainly the general opinion expressed by the gentlemen examined before the House, and abundantly probable from many facts which they attest.

But the system is palpably inefficient in another view. It does not remove the temptation to the crime. It is impossible that the exertions necessary to repress illegal distillation can be made, at once, over every part of the country. Where the officers and the military are present and active, it may be checked, or driven to other districts in which their absence or relaxation afford greater facility; but it is self-evident, that, if it were put down to-morrow, it would revive next day, unless the means of its repression were kept in full strength and operation. This is a radical and incurable defect of the town-land system, independently altogether of the other objections to its efficacy.

The true remedies of reducing the duty, and encouraging the small capitalists to engage in the manufacture of spirits, have never been adequately tried. There seems to have been some intention of making the experiment in 1812 and 1813; but the measures were very deficient, and the trial was greatly too short. The Excise seem to have been seized with a fit of impatience, and to have thought it unworthy of their dignity to yield any thing to the habits of the people, or to allow, what has since been clearly demonstrated, that they were unequal to the forcible repression of the evil. The experiment, however, should be made again, upon a better matured plan, and a larger period allowed for the fair display of its effects. It is, or ought to be, plain that the present system of things cannot continue. The suspensions by statute in 1810, and the occasional suspensions by the executive of Ireland, proceeded very much from the impossibility of executing the law. But what greater censure can there be, than is implied in that fact? This leads us to mention a circumstance, which furnishes a striking comment on all that we have said. In 1816, the people were reduced to such despair by the levy of these fines, *that they abstained from gathering in their crop or digging their potatoes, from an apprehension that they would be seized for still fines;* and the Board of Excise, to prevent famine, were forced to issue a proclamation, (see App. No. 4, p. 121 of First Letter), 'declaring that the collection of fines was suspended for a month, and that, after that period, they would not be levied from corn or potatoes.' We are told this promise was not exactly kept; but it is of little consequence. We can, with difficulty, figure the state of the country which required it to be made.

After what we have described, it is not wonderful to find Mr Chichester conclude with these remarks.

'I may perhaps appear very absurd, if I confess that I had rather the revenue should perish than that the present Irish distillery system should become general and permanent; yet, as the ultimate object of all revenue is the security of individuals, it is fair to doubt whether it might not be better to trust to voluntary contribution, than to fill our treasury by unprovoked aggressions on life and property. I have avoided the recital of many abuses and crimes; partly from a reluctance to trespass longer on your attention, and partly from a persuasion that those which I have related will be considered sufficient specimens of our sufferings to move your compassion. In this my attempt at their exposure, I acknowledge that I labour under an obvious disadvantage, which is *the incredibility of my statements;* for the British nation is unused to such oppressions, and will therefore deem them too improbable to merit belief. I am well aware of the hazard which is generally incurred, by trusting to unsupported assertions in any case; and I, therefore, do not demand credit for my own, while they are unassisted by concurrent testimony. All that I request is inquiry; and, as contradiction appears to be the only means of confuting me, I earnestly wish that it may be resorted to, provided that I shall be permitted to produce my proofs. I grant that my testimony is that of an angry witness; for I am provoked by the sight of cruelty, as well as indignant at the disappointment of my expectations. I had indulged a hope that my parishioners would become gradually enlightened; and I find this prospect suddenly darkened by the most useless provocations and unjustifiable oppressions. Unhappily, I have had too many opportunities of ascertaining the truth of what I relate; for it has been my lot to reside in the midst of the disastrous scenes which I describe.' p. 109.

We have now done—except that we would add a word or two about the publications from which we have quoted so largely. Mr Chichester, we understand, is a Magistrate and Clergyman of very great respectability, who has distinguished himself by his active and intrepid exertions in the suppression of illicit distillation. He has the best means of knowledge; and has not failed to avail himself of the information of others, and to support his statements by a reference to the evidence of those gentlemen who were examined before the Committee of the House in 1816. He writes with force and clearness; though he sometimes presumes too much on his readers' acquaintance with the subject, and is not always sufficiently careful to guard his meaning against cavil, as well as misapprehension. His First Letter is full of excellent spirit, and, we think, judicious remarks. He may be sometimes carried too far by the ingenuous indignation he feels at the misery he has witnessed: but that can scarcely be blamed, and should not de-

tract from the value of his testimony, where he speaks from actual observation: His general reasonings must be judged of by themselves.

As for the 'Observations,' we have little to say. They are a pert answer by an officer of excise, who has not been wanting in zeal for the honour of the Board. They have been, for the most part, sufficiently refuted by Mr Chichester in his Second Letter; and the inaccuracies which may have escaped him, leave the great merits of the question just where they were. Into the details of the controversy we have neither space nor inclination to follow them. Mr Chichester has certainly been in error, in ascribing to the excise officers the *levy* of the fines, at a time when it was entrusted to the Barony constables. They were at all times, however, equally interested in the exaction of the fines; and the duty has latterly been placed in their hands, to ensure its more rigorous and inflexible discharge. But, in truth, this point is quite immaterial. Mr Chichester probably has not much misrepresented the revenue officers; but he has been most unreasonably lenient to their superiors at the Board, and to the Government in general. *They* are the capital transgressors, in comparison with whom the wretched agents of their misrule are unworthy of animadversion. Charity forbids us to suppose that they have known the calamities without number which have flowed from their perverse policy; and yet their ignorance is little less excusable than their obstinacy. We trust they may have candour to read the judgment of experience, and resolution to retrace their steps: At all events, we shall not repent a very honest endeavour to awaken the country to the importance of this subject, and to the necessity of investigating it without prejudice, and in earnest. *

* The most plausible part of Mr Coffey's answer, consists in a reference to certain documents, which, he says, prove the diminution of illicit distillation, by showing that the quantity of spirits permitted into the particular districts where it prevailed, as compared with the quantity permitted out, has increased;—whence he argues an increased consumption of legal spirits. Mr Chichester disputes the accuracy of these returns; at any rate they are not conclusive, for various reasons; among which we may mention, 1*st*, that the publicans buy a considerable quantity of legal spirits, not for consumption or retail, but to cover their trade in the illegal whisky; and, 2*dly*, that it does not appear whether a great part of the spirit permitted into the districts in question, be not illegally distilled, and afterwards seized and sold by the Excise. To show the hazard of drawing inferences from detached facts, it may be observed, that the diminution of illicit distillation in 1809, before the statutory suspension, has generally

ART. XI. *Specimens of the British Poets: With Biographical and Critical Notices, and an Essay on English Poetry.* By THOMAS CAMPBELL. Seven volumes. 8vo. London, 1819.

WE would rather see Mr Campbell as a poet, than as a commentator on poetry:—because we would rather have a solid addition to the sum of our treasures, than the finest or most judicious account of their actual amount. But we are very glad to see him in any way:—and think the work which he has now given us very excellent and delightful.

The most common fault that is found with it, we think, is, that there is so little of it original,—and that out of seven volumes, with Mr Campbell's name on the outside, there should hardly be two little ones of his writing. In making this complaint, however, people seem to forget, that the work is entitled '*Specimens of British Poetry;*' and that the learned Editor did not undertake to *write*, but only to select and introduce the citations of which it was to consist. Still, however, there is some little room for complaint: and the work *is* somewhat deficient, even upon this strict view of its objects, and of the promises which the title must in fairness be allowed to hold out. There is no doubt a very pleasing Essay on English Poetry,—and there are biographical and critical notices of many of its principal authors. But these two compartments of the work are somewhat inartificially blended,—and the latter, and most important, rather unduly anticipated and invaded, in order to enlarge the former. The only biography or criticism which we have upon Dryden, for example, is contained in the Preliminary Essay;—and a considerable part even of the specimens of Shirley, are to be found in the same quarter. These, however, are licenses, or lyrical transitions, which must be allowed, we suppose, to a poetical editor—and to which we should not therefore very much object. If the whole that we have a right to look for is in the book, we are very little disposed to quarrel with the author about its arrangement, or the part of the book in which he has chosen to place it. But we really think that we

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been cited to prove the success of the Town-land fining system; yet Mr Hewitt, a Commissioner of Excise, imputes that circumstance mainly to the high price of barley at the time. Mr Chichester has stated some facts respecting an investigation held at Londonderry, in 1816, to inquire into the misconduct of certain excise officers, (*Second Letter*, pp. 25—31); which, with his repeated demands of inquiry, will not, it is hoped, be disregarded by the Legislature, in case of any motion touching this system.

have not got all that we were naturally led to expect—and that the learned author still owes us an arrear, which we hope he will handsomely pay up in the next edition.

When a great poet and a man of distinguished talents announces a large selection of English poetry, 'with biographical and critical notices,' we naturally expect such notices of all, or almost all the authors of whole works he thinks it worth while to favour us with specimens. The biography sometimes may be unattainable—and it may still more frequently be uninteresting —but the criticism must always be valuable; and, indeed, is obviously that which must be looked to as constituting the chief value of any such publication. There is no author so obscure, if at all entitled to a place in this register, of whom it would not be desirable to know the opinion of such a man as Mr Campbell—and none so mature and settled in fame, upon whose beauties and defects, and poetical character in general, the public would not have much to learn from such an authority. Now, there are many authors, and some of no mean note, of whom he has not condescended to say one word, either in the Essay, or in the notices prefixed to their citations. Of Jonathan Swift, for example, all that is here recorded is, 'Born 1667—died 1744;' and Otway is despatched in the same summary manner—'Born 1651—died 1685.' Marlowe is commemorated in a single page, and Butler in half of one. All this is rather capricious.—But this is not all. Sometimes the notices are entirely biographical, and sometimes entirely critical. We humbly conceive they ought always to have been of both descriptions. At all events, we think we ought in every case to have had some criticism,—since this could always have been had, and could scarcely have failed to be valuable. Mr C., we think, has been a little lazy.

If he were like most authors, or even like most critics, we could easily have pardoned this; for we very seldom find any work too short. It is the singular goodness of his criticisms that makes us regret their fewness; for nothing, we think, can be more fair, judicious and discriminating, and at the same time more fine, delicate and original, than the greater part of the discussions with which he has here presented us. It is very rare to find so much sensibility to the beauties of poetry, united with so much toleration for its faults; and so exact a perception of the merits of every particular style, interfering so little with a just estimate of all. Poets, to be sure, are on the whole, we think, very indulgent judges of poetry; and that not so much, we verily believe, from any partiality to their own vocation, or desire to exalt their fraternity,

as from their being more constantly alive to those impulses which it is the business of poetry to excite, and more quick to catch and to follow out those associations on which its efficacy chiefly depends. If it be true, as we have formerly endeavoured to show, with reference to this very author,* that poetry produces all its greater effects, and works its more memorable enchantments, not so much by the images it directly presents, as by those which it *suggests* to the fancy, and melts or inflames us less by the fires which it applies from without, than by those which it kindles within, and of which the fuel is in our own bosoms,—it will be readily understood how these effects should be most powerful in the sensitive breast of a poet, and how a spark, which would have been instantly quenched in the duller atmosphere of an ordinary brain, may create a blaze in his combustible imagination to warm and enlighten the world. The greater poets, accordingly, have almost always been the warmest admirers, and the most liberal patrons of poetry. The smaller only—your Laureates and Ballad-mongers—are envious and irritable—jealous even of the dead, and less desirous of the praise of others, than avaricious of their own.

But though a poet is thus likely to be a gentler critic of poetry than another, and, by having a finer sense of its beauties, to be better qualified for the most pleasing and important part of his office, there is another requisite in which we should be afraid he would generally be found wanting, especially in a work of the large and comprehensive nature of that now before us—we mean, in absolute fairness and impartiality towards the different schools or styles of poetry which he may have occasion to estimate and compare. Even the most common and miscellaneous reader has a peculiar taste in this way—and has generally erected for himself some obscure but exclusive standard of excellence, by which he measures the pretensions of all that come under his view. One man admires witty and satirical poetry, and sees no beauty in rural imagery or picturesque description; while another doats on Idyls and Pastorals, and will not allow the affairs of polite life to form a subject for verse. One is for simplicity and pathos; another for magnificence and splendour. One is devoted to the Muse of terror; another to that of love. Some are all for blood and battles, and some for music and moonlight—some for emphatic sentiments, and some for melodious verses. Even those whose taste is the least exclusive, have a leaning to one class of composition rather than to another; and overrate the beauties which fall in with their own propensities and associa-

* Vol. xiv. p. 2.

tions—while they are palpably unjust to those which wear a different complexion, or spring from a different race.

But, if it be difficult or almost impossible to meet with an impartial judge for the whole great family of genius, even among those quiet and studious readers who ought to find delight even in their variety, it is obvious, that this bias and obliquity of judgment must be still more incident to one who, by being himself a Poet, must not only prefer one school of poetry to all others, but must actually *belong* to it, and be disposed, as a pupil, or still more as a master, to advance its pretensions above those of all its competitors. Like the votaries or leaders of other sects, poets have been but too apt to establish exclusive and arbitrary creeds, and to invent articles of faith, the slightest violation of which effaces the merit of all other virtues. Addicting themselves, as they are apt to do, to the exclusive cultivation of that style to which the bent of their own genius naturally inclines them, they look everywhere for those beauties of which it is peculiarly susceptible, and are disgusted if they cannot be found. Like discoverers in science, or improvers in art, they see nothing in the whole system but their own discoveries and improvements, and undervalue everything that cannot be connected with their own studies and glory. As the Chinese mapmakers allot all the lodgeable area of the earth to their own nation, and thrust the other countries of the world into little outskirts and by-corners—so poets are disposed to represent their own little field of exertion, as occupying all the sunny part of Parnassus, and to exhibit the adjoining regions under terrible shadows and foreshortenings.

With those impressions of the almost inevitable partiality of poetical judgments in general, we could not recollect that Mr Campbell was himself a Master in a distinct school of poetry, and distinguished by a very peculiar and fastidious style of composition, without being apprehensive that the effects of this bias would be very apparent in his work, and that, with all his talent and discernment, he would now and then be guilty of great, though unintended injustice, to some of those whose manner was most opposite to his own. We are happy to say that those apprehensions have proved entirely groundless; and that nothing in the volumes before us is more admirable, or to us more surprising, than the perfect candour and undeviating fairness with which the learned author passes judgment on all the different authors who come before him;—the quick and true perception he has of the most opposite and almost contradictory beauties—the good-natured and liberal allowance he makes for the disad-

vantages of each age and individual—and the temperance and brevity and firmness with which he reproves the excessive severity of critics less entitled to be severe. No one indeed, we will venture to affirm, ever placed himself in the seat of judgement with more of a judicial temper—though, to soften invidious comparisons, we must beg leave just to add, that being called on to pass judgment only on the dead, whose faults were no longer corrigible, and had already been expiated by appropriate pains, his temper was less tried, and his severities less provoked than in the case of living offenders—and that the very number and variety of the errors that called for animadversion, in the course of his wide survey, made each individual case appear comparatively insignificant, and mitigated the sentence of individual condemnation.

It is to this last circumstance of the large and comprehensive range which he was obliged to take, and the great extent and variety of the society in which he was compelled to mingle, that we are inclined to ascribe, not only the general mildness and indulgence of his judgments, but his happy emancipation from those narrow and limitary maxims by which we have already said that poets are so peculiarly apt to be entangled. As a large and familiar intercourse with men of different habits and dispositions never fails, in characters of any force or generosity, to dispel the prejudices with which we at first regard them, and to lower our estimate of our own superior happiness and wisdom, so, a very ample and extensive course of reading in any department of letters, tends naturally to enlarge our narrow principles of judgment, and not only to cast down the idols before which we had formerly abased ourselves, but to disclose to us the might and the majesty of much that we had mistaken and contemned.

In this point of view, we think such a work as is now before us, likely to be of great use to ordinary readers of poetry—not only as unlocking to them innumerable new springs of enjoyment and admiration, but as having a tendency to correct and liberalize their judgments of their old favourites, and to strengthen and enliven all those faculties by which they derive pleasure from such studies. Nor would the benefit, if it once extended so far, by any means stop here. The character of our poetry depends not a little on the taste of our poetical readers;—and though some of our bards are before their age, and some behind it, the greater part must be pretty nearly on its level. Present popularity, whatever disappointed writers may say, is, after all, the only safe presage of future glory;—and it is really as unlikely that good poetry should be produced in any quantity where it is not relished, as that cloth should be manu-

factured and thrust into the market, of a pattern and fashion for which there was no demand. A shallow and uninstructed taste is indeed the most flexible and inconstant—and is tossed about by every breath of doctrine, and every wind of authority; so as neither to desire any permanent delight from the same works, nor to assure any permanent fame to their authors;—while a taste that is formed upon a wide and large survey of enduring models, not only affords a secure basis for all future judgments, but must compel, whenever it is general in any society, a salutary conformity to its great principles from all who depend on its suffrage.—To accomplish such an object, the general study of a work like this certainly is not enough:—But it would form an excellent preparation for more extensive reading—and would, of itself, do much to open the eyes of many self-satisfied persons, and startle them into a sense of their own ignorance, and the poverty and paltriness of many of their ephemeral favourites. Considered as a nation, we are yet but very imperfectly recovered from that strange and ungrateful forgetfulness of our older poets which began with the Restoration, and continued almost unbroken till after the middle of the last century.—Nor can the works which have chiefly tended to dispel it among the instructed orders, be ranked in a higher class than this which is before us.—Percy's Relics of Antient Poetry produced, we believe, the first revulsion—and this was followed up by Warton's History of Poetry.—Johnson's Lives of the Poets did something;—and the great effect has been produced by the modern commentators on Shakespeare. These various works recommended the older writers, and reinstated them in some of their honours;—but still the works themselves were not placed before the eyes of ordinary readers. This was done in part, perhaps overdone, by the entire republication of some of our older dramatists—and with better effect by Mr Ellis's Specimens. If the former, however, was rather too copious a supply for the returning appetite of the public, the latter was too scanty; and both were confined to too narrow a portion of time to enable the reader to enjoy the variety, and to draw the comparisons, by which he might be most pleased and instructed.—Southey's continuation of Ellis did harm rather than good; for though there is some cleverness in the introduction, the work itself is executed in a crude, petulant, and superficial manner,—and bears all the marks of being a mere bookseller's speculation.—As we have heard nothing of it from the time of its first publication, we suppose it has had the success it deserved.

There was great room therefore,—and, we will even say, great occasion, for such a work as this of Mr Campbell's, in

the present state of our literature;—and we are persuaded, that all who care about poetry, and are not already acquainted with the authors of whom it treats—and even all who are—cannot possibly do better than read it fairly through, from the first page to the last—without skipping the extracts which they know, or those which may not at first seem very attractive. There is no reader, we will venture to say, who will rise from the perusal even of these partial and scanty fragments, without a fresh and deep sense of the matchless richness, variety, and originality of English poetry: while the juxtaposition and arrangement of the pieces not only gives room for endless comparisons and contrasts,—but displays, as it were in miniature, the whole of its wonderful progress, and sets before us, as in a great gallery of pictures, the whole course and history of the art, from its first rude and infant beginnings, to its maturity, and perhaps its decline. While it has all the grandeur and instruction that belongs to such a gallery, it is free from the perplexity and distraction which is generally complained of in such exhibitions; as each piece is necessarily considered separately and in succession, and the mind cannot wander, like the eye, through the splendid labyrinth in which it is enchanted. Nothing, we think, can be more delightful, than thus at our ease to trace, through all its periods, vicissitudes and aspects, the progress of this highest and most intellectual of all the arts—coloured as it is in every age by the manners of the times which produce it, and embodying, besides those flights of fancy, and touches of pathos, that constitute its more immediate essence, much of the wisdom, and much of the morality that was then current among the people; and thus presenting us, not merely with almost all that genius has ever created for delight, but with a brief chronicle and abstract of all that was once interesting to the generations which have gone by.

The steps of the progress of such an art, and the circumstances by which they have been affected, would form, of themselves, a large and interesting theme of speculation. Conversant as poetry necessarily is with all that touches human feelings, concerns, and occupations, its character must have been impressed by every change in the moral and political condition of society, and must even retain the lighter traces of their successive follies, amusements, and pursuits; while, in the course of ages, the very multiplication and increasing business of the people have forced it through a progress not wholly dissimilar to that which the same causes have produced on the agriculture and landscape of the country;—where at first we had rude and dreary wastes, thin sprinkled with sunny spots of simple cultiva-

tion—then vast forests and chases, stretching far around feudal castles and pinnacled abbeys—then woodland hamlets, and goodly mansions, and gorgeous gardens, and parks rich with waste fertility, and lax habitations—and, finally, crowded cities, and road-side villas, and brick-walled gardens, and turnip fields, and canals, and artificial ruins, and ornamented farms, and cottages trellised over with exotic plants.

But to escape from those metaphors and enigmas, to the business before us, we must remark, that in order to give any tolerable idea of the poetry which was thus to be represented, it was necessary that the specimens to be exhibited should be of some compass and extent. We have heard their length complained of—but we think with very little justice. Considering the extent of the works from which they are taken, they are almost all but inconsiderable fragments; and where the original was of an Epic or Tragic character, greater abridgement would have been mere mutilation,—and would have given only such a specimen of the whole, as a brick might do of a building. From the earlier and less familiar authors, we rather think the citations are too short; and, even from those that are more generally known, we do not well see how they could have been shorter, with any safety to the professed object and only use of the publication. That object, we conceive, was to give specimens of English poetry, from its earliest to its latest periods; and it would be a strange rule to have followed, in making such a selection, to leave out the best and most popular. The work certainly neither is, nor professes to be, a collection from obscure and forgotten authors—but specimens of all who have merit enough to deserve our remembrance;—and if some few have such redundant merit or good fortune, as to be in the hands and the minds of all the world, it was necessary, even then, to give some extracts from them,—that the series might be complete, and that there might be room for comparison with others, and for tracing the progress of the art in the strains of their models and their imitators.

In one instance, and one only, Mr C. has declined doing this duty, and left the place of one great luminary to be filled up by recollections that he must have presumed would be universal. He has given but two pages to SHAKESPEARE—and not a line from any of his plays. Perhaps he has done rightly:—a knowledge of Shakespeare may be safely presumed, we believe, in every reader; and, if he had begun to cite his Beauties, there is no saying where he would have ended. A little book, calling itself Beauties of Shakespeare, was published some years ago, and shown, as we have heard, to Mr Sheridan. He turned over the leaves for some time with apparent satisfaction, and then said, 'This

is very well; but where are the other seven volumes?' There is no other author, however, whose fame is such as to justify a similar *ellipsis*, or whose works can be thus elegantly understood in a collection of good poetry. Mr C. has complied perhaps too far with the popular prejudice, in confining his citations from Milton, to the Comus and the smaller pieces, and leaving the Paradise Lost to the memory of his readers. But though we do not think the extracts by any means too long on the whole, we are certainly of opinion, that some are too long and others too short; and that many, especially in the latter case, are not very well selected. There is far too little of Marlowe for instance, and too much of Shirley, and even of Massinger. We should have liked more of Warner, Fairfax, Phineas Fletcher, and Henry More—all poets of no scanty dimensions—and could have spared several pages of Butler, Mason, Whitehead, Roberts, Meston, and Amhurst Selden. We do not think the specimens from Burns very well selected; nor those from Prior—nor can we see any good reason for quoting the whole Castle of Indolence, and nothing else, for Thomson—and the whole Rape of the Lock, and nothing else, for Pope.

Next to the impression of the vast fertility, compass, and beauty of our English poetry, the reflection that recurs most frequently and forcibly to us in accompanying Mr C. through his wide survey, is that of the perishable nature of poetical fame, and the speedy oblivion that has overtaken so many of the promised heirs of immortality. Of near two hundred and fifty authors, whose works are cited in these volumes, by far the greater part of whom were celebrated in their generation, there are not thirty who now enjoy any thing that can be called popularity—whose works are to be found in the hands of ordinary readers—in the shops of ordinary booksellers—or in the press for republication. About fifty more may be tolerably familiar to men of taste or literature:—the rest slumber on the shelves of collectors, and are partially known to a few antiquaries and scholars. Now, the fame of a poet is popular, or nothing. He does not address himself, like the man of science, to the learned, or those who desire to learn, but to all mankind; and his purpose being to delight and be praised, necessarily extends to all who can receive pleasure, or join in applause. It is strange, and somewhat humiliating, to see how great a proportion of those who had once fought their way successfully to distinction, and surmounted the rivalry of contemporary envy, have again sunk into neglect. We have great deference for public opinion; and readily admit, that nothing but what is good can be permanently popular. But though its *vivat* be generally ora-

cular, its *percat* appears to us to be often sufficiently capricious; and while we would foster all that it bids to live, we would willingly revive much that it leaves to die. The very multiplication of works of amusement, necessarily withdraws many from notice that deserve to be kept in remembrance; for we should soon find it labour, and not amusement, if we were obliged to make use of them all, or even to take all upon trial. As the materials of enjoyment and instruction accumulate around us, more and more must thus be daily rejected, and left to waste: for while our tasks lengthen, our lives remain as short as ever; and the calls on our time multiply, while our time itself is flying swiftly away. This superfluity and abundance of our treasures, therefore, necessarily renders much of them worthless; and the veriest accidents may, in such a case, determine what part shall be preserved, and what thrown away and neglected. When an army is *decimated*, the very bravest may fall; and many poets, worthy of eternal remembrance, have been forgotten, merely because there was not room in our memories for all.

By such a work as the present, however, this injustice of fortune may be partly redressed—some small fragments of an immortal strain may still be rescued from oblivion—and a wreck of a name preserved, which time appeared to have swallowed up for ever. There is something pious we think, and endearing, in the office of thus gathering up the ashes of renown that has passed away; or rather, of calling back the departed life for a transitory glow, and enabling those great spirits which seemed to be *laid* for ever, still to draw a tear of pity, or a throb of admiration, from the hearts of a forgetful generation. The body of their poetry, probably, can never be revived; but some sparks of its spirit may yet be preserved, in a narrower and feebler frame.

When we look back upon the havoc which two hundred years have thus made in the ranks of our immortals—and, above all, when we refer their rapid disappearance to the quick succession of new competitors, and the accumulation of more good works than there is time to peruse,—we cannot help being dismayed at the prospect which lyes before the writers of the present day. There never was an age so prolific of popular poetry as that in which we now live;—and as wealth, population, and education extend, the produce is likely to go on increasing. The last ten years have produced, we think, an annual supply of about ten thousand lines of good staple poetry—poetry from the very first hands that we can boast of—that runs quickly to three or four large editions—and is as likely to be permanent as present success can make it. Now, if this goes on for a hundred years longer,

what a task will await the poetical readers of 1919! Our living poets will then be nearly as old as Pope and Swift are at present—but there will stand between them and that generation nearly ten times as much fresh and fashionable poetry as is now interposed between us and those writers:—and if Scott and Byron and Campbell have already cast Pope and Swift a good deal into the shade, in what form and dimensions are they themselves likely to be presented to the eyes of their great-grandchildren? The thought, we own, is a little appaling;—and we confess we see nothing better to imagine than that they may find a comfortable place in some new collection of Specimens—the centenary of the present publication. There—if the future editor have any thing like the indulgence and veneration for antiquity of his predecessor—there shall posterity still hang with rapture on the half of Campbell—and the fourth part of Byron—and the sixth of Scott—and the scattered tythes of Crabbe—and the three *per cent.* of Southey,—while some good-natured critic shall sit in our mouldering chair, and more than half prefer them to those by whom they have been superseded!—It is an hyperbole of good nature, however, we fear, to ascribe to them even these dimensions of the end of a century. After a lapse of 250 years, we are afraid to think of the space they may have shrunk into. We have no Shakespeare, alas! to shed a never-setting light on his contemporaries:—and if we continue to write and rhyme at the present rate for 200 years longer, there must be some new art of short-hand reading invented—or all reading will be given up in despair. We need not distress ourselves, however, with these afflictions of our posterity;—and it is quite time that the reader should know a little of the work before us.

The Essay on English Poetry is very cleverly, and, in many places, very finely written—but it is not equal, and it is not complete. There is a good deal of the poet's waywardness even in Mr C.'s prose. His historical Muse is as disdainful of drudgery and plain work as any of her more tuneful sisters;—and so we have things begun and abandoned—passages of great eloquence and beauty followed up by others not a little careless and disorderly—a large outline rather meagerly filled up, but with some morsels of exquisite finishing scattered irregularly up and down its expanse—little fragments of detail and controversy—and abrupt and impatient conclusions. Altogether, however, the work is very spirited; and abounds with the indications of a powerful and fine understanding, and of a delicate and original taste. We cannot now afford to give any abstract of the information it contains—but shall make a few extracts, to show the tone and manner of the composition.

After some very acute remarks on Mr Ellis's opinions as to the origin of our present English, he gives a rapid and animated sketch of the antient Romances—one part of which he sums up as follows.

'The reign of French metrical romance may be chiefly assigned to the latter part of the twelfth, and the whole of the thirteenth century; that of English metrical romance, to the latter part of the thirteenth, and the whole of the fourteenth century. Those ages of chivalrous song were, in the mean time, fraught with events which, while they undermined the feudal system, gradually prepared the way for the decline of chivalry itself. Literature and science were commencing; and even in the improvement of the mechanical skill employed to heighten chivalrous or superstitious magnificence, the seeds of arts, industry, and plebeian independence were unconsciously sown. One invention, that of gun-powder, is eminently marked out, as the cause of the extinction of Chivalry; but even if that invention had not taken place, it may well be conjectured that the contrivance of other means of missile destruction in war, and the improvement of tactics, would have narrowed that scope for the prominence of individual prowess, which was necessary for the chivalrous character, and that the progress of civilization must have ultimately levelled its romantic consequence. But to anticipate the remote effects of such causes, if scarcely within the ken of philosophy, was still less within the reach of poetry. Chivalry was still in all its glory; and, to the eye of the poet, appeared as likely as ever to be immortal. The progress of civilization even ministered to its external importance. The early arts made chivalrous life, with all its pomp and ceremonies, more august and imposing, and more picturesque as a subject for description. Literature, for a time, contributed to the same effect, by her jejune and fabulous efforts at history, in which the athletic worthies of classical story and of modern romance were gravely connected by an ideal genealogy: And thus the dawn of human improvement smiled on the fabric which it was ultimately to destroy—as the morning sun gilds and beautifies those masses of frost-work, which are to melt before its noonday heat.

'The elements of romantic fiction have been traced up to various sources; but neither the Scaldic, nor Saracenic, nor Armorican theory of its origin can sufficiently account for all its materials. Many of them are classical, and others derived from the scriptures. The migrations of Science are difficult enough to be traced; but Fiction travels on still lighter wings, and scatters the seeds of her wild flowers imperceptibly over the world, till they surprise us by springing up with similarity in regions the most remotely divided. There was a vague and unselecting love of the marvellous in romance, which sought for adventures, like its knights errant, in every quarter where they could be found; so that it is easier to admit of all the sources which are imputed to that species of fiction, than to limit our belief to any one of them.' I. 26-30.

The following sketch of Chaucer, and of the long interregnum that succeeded, is likewise given with great grace and spirit.

'His first, and long continued predilection, was attracted by the new and allegorical style of romance, which had sprung up, in France, in the thirteenth century, under William de Lorris. We find him, accordingly, during a great part of his poetical career, engaged among the dreams, emblems, flower worshippings, and amatory parliaments, of that visionary school. This, we may say, was a gymnasium of rather too light and playful exercise for so strong a genius; and it must be owned, that his allegorical poetry is often puerile and prolix. Yet, even in this walk of fiction, we never entirely lose sight of that peculiar grace, and gaiety, which distinguish the Muse of Chaucer; and no one who remembers his productions of the House of Fame, and the Flower and the Leaf, will regret that he sported, for a season, in the field of allegory. Even his pieces of this description, the most fantastic in design, and tedious in execution, are generally interspersed with fresh and joyous descriptions of external nature. In this new species of romance, we perceive the youthful Muse of the language, in love with mystical meanings and forms of fancy, more remote, if possible, from reality, than those of the chivalrous fable itself; and we could, sometimes, wish her back from her emblematic castles, to the more solid ones of the elder fable. but still she moves in pursuit of those shadows with an impulse of novelty, and an exuberance of spirit, that is not wholly without its attraction and delight. Chaucer was, afterwards, happily drawn to the more natural style of Boccaccio, and from him he derived the hint of a subject, in which, besides his own original portraits of contemporary life, he could introduce stories of every description, from the most heroic to the most familiar.' pp. 71–73.

'Warton, with great beauty and justice, compares the appearance of Chaucer in our language, to a premature day in an English spring; after which the gloom of winter returns, and the buds and blossoms, which have been called forth by a transient sunshine, are nipped by frosts and scattered by storms. The causes of the relapse of our poetry, after Chaucer, seem but too apparent in the annals of English history, which, during five reigns of the fifteenth century, continue to display but a tissue of conspiracies, proscriptions, and bloodshed. Inferior even to France in literary progress, England displays in the fifteenth century a still more mortifying contrast with Italy. Italy, too, had her religious schisms and public distractions; but her arts and literature had always a sheltering place. They were even cherished by the rivalship of independent communities, and received encouragement from the opposite sources of commercial and ecclesiastical wealth. But *we* had no Nicholas the Fifth, nor House of Medicis. In England, the evils of civil war agitated society as one mass. There was no refuge from them—no enclosure to fence in the field of improvement—no mound to stem the torrent of public troubles. Before the death of Henry VI. it is said that one half of the

nobility and gentry in the kingdom had perished in the field, or on the scaffold.

'A circumstance, additionally hostile to the national genius, may certainly be traced in the executions for religion, which sprung up as a horrible novelty in our country in the fifteenth century. The clergy were determined to indemnify themselves for the exposures which they had met with in the preceding age; and the unhallowed compromise which Henry IV. made with them, in return for supporting his accession, armed them, in an evil hour, with the torch of persecution. In an age of persecution, even the living study of his own species must be comparatively darkened to the poet. He looks round on the characters and countenances of his fellow-creatures, and instead of the naturally cheerful and eccentric variety of their humours, he reads only a sullen and oppressed uniformity. To the spirit of poetry we should conceive such a period to be an impassable Avernus, where she would drop her wings and expire: And undoubtedly this inference will be found warranted by a general survey of the history of Genius.' pp. 79–84.

The golden age of Elizabeth has often been extolled, and the genius of Spensor delineated, with feeling and eloquence. But all that has been written, leaves the following striking passages as original as they are eloquent.

'In the reign of Elizabeth, the English mind put forth its energies in every direction, exalted by a purer religion, and enlarged by new views of truth. This was an age of loyalty, adventure, and generous emulation. The chivalrous character was softened by intellectual pursuits, while the genius of chivalry itself still lingered, as if unwilling to depart, and paid his last homage to a warlike and female reign. A degree of romantic fancy remained in the manners and superstitions of the people; and allegory might be said to parade the streets in their public pageants and festivities. Quaint and pedantic as those allegorical exhibitions might often be, they were nevertheless more expressive of erudition, ingenuity, and moral meaning, than they had been in former times. The philosophy of the highest minds still partook of a visionary character. A poetical spirit infused itself into the practical heroism of the age; and some of the worthies of that period seem less like ordinary men, than like beings called forth out of fiction, and arrayed in the brightness of her dreams. They had "High thoughts seated in a heart of courtesy." The life of Sir Philip Sydney was poetry put into action.

'The result of activity and curiosity in the public mind was to complete the revival of classical literature, to increase the importation of foreign books, and to multiply translations, from which poetry supplied herself with abundant subjects and materials, and in the use of which she showed a frank and fearless energy, that criticism and satire had not yet acquired power to overawe. Romance came back to us from the southern languages, clothed in new luxury by the

warm imagination of the south. The growth of poetry under such circumstances might indeed be expected to be as irregular as it was profuse. The field was open to daring absurdity, as well as to genuine inspiration; and accordingly there is no period in which the extremes of good and bad writing are so abundant.' pp. 120–122.

'The mistaken opinion that Ben Jonson censured the antiquity of the diction in the "Fairy Queen," has been corrected by Mr Malone, who pronounces it to be exactly that of his contemporaries. His authority is weighty; still, however, without reviving the exploded error respecting Jonson's censure, one might imagine the difference of Spenser's style from that of Shakespeare's, whom he so shortly preceded, to indicate that his gothic subject and story made him lean towards words of the elder time. At all events, much of his expression is now become antiquated; though it is beautiful in its antiquity, and like the moss and ivy on some majestic building, covers the fabric of his language with romantic and venerable associations.

'His command of imagery is wide, easy, and luxuriant. He threw the soul of harmony into our verse, and made it more warmly, tenderly, and magnificently descriptive, than it ever was before, or, with a few exceptions, than it has ever been since. It must certainly be owned, that in description he exhibits nothing of the brief strokes and robust power, which characterize the very greatest poets; but we shall nowhere find more airy and expansive images of visionary things, a sweeter tone of sentiment, or a finer flush in the colours of language, than in this Rubens of English poetry. His fancy teems exuberantly in minuteness of circumstance, like a fertile soil sending bloom and verdure through the utmost extremities of the foliage which it nourishes. On a comprehensive view of the whole work, we certainly miss the charm of strength, symmetry, and rapid or interesting progress; for, though the plan which the poet designed is not completed, it is easy to see that no additional cantos could have rendered it less perplexed. But still there is a richness in his materials, even where their coherence is loose, and their disposition confused. The clouds of his allegory may seem to spread into shapeless forms, but they are still the clouds of a glowing atmosphere. Though his story grows desultory, the sweetness and grace of his manner still abide by him. We always rise from perusing him with melody in the mind's ear, and with pictures of romantic beauty impressed on the imagination.' pp. 124—127.

In his account of the great dramatic writers of that and the succeeding reign, Mr C.'s veneration for Shakespeare, has made him rather unjust, we think, to the fame of some of his precursors.—We have already said that he passes Marlowe with a very slight notice, and a page of citation.—Greene, certainly a far inferior writer, is treated with the same scanty courtesy—and there is no account and no specimen of Kyd or Lodge, though both authors of very considerable genius and originali-

ty.—With the writings of Peele, we do not profess to be acquainted—but the quotations given from him in the Essay should have entitled him to a place in the body of the work.—We must pass over what he says of Shakespeare and Jonson, though full of beauty and feeling.—To the latter, indeed, he is rather more than just.—The account of Beaumont and Fletcher is lively and discriminating.

'The theatre of Beaumont and Fletcher contains all manner of good and evil. The respective shares of those dramatic partners, in the works collectively published with their names, have been stated in a different part of these volumes. Fletcher's share in them is by far the largest; and he is chargeable with the greatest number of faults, although at the same time his genius was more airy, prolific, and fanciful. There are such extremes of grossness and magnificence in their drama, so much sweetness and beauty interspersed with views of nature either falsely romantic, or vulgar beyond reality; there is so much to animate and amuse us, and yet so much that we would willingly overlook, that I cannot help comparing the contrasted impressions which they make, to those which we receive from visiting some great and ancient city, picturesquely but irregularly built, glittering with spires and surrounded with gardens, but exhibiting in many quarters the lanes and hovels of wretchedness. They have scenes of wealthy and high life, which remind us of courts and palaces frequented by elegant females and high-spirited gallants, whilst their noble old martial characters, with Caractacus in the midst of them, may inspire us with the same sort of regard which we pay to the rough-hewn magnificence of an ancient fortress.

'Unhappily, the same simile, without being hunted down, will apply but too faithfully to the *nuisances* of their drama. Their language is often basely profligate. Shakespeare's and Jonson's indelicacies are but casual blots; whilst theirs are sometimes essential colours of their painting, and extend in one or two instances, to entire and offensive scenes. This fault has deservedly injured their reputation; and, saving a very slight allowance for the fashion and taste of their age, admits of no sort of apology. Their drama, nevertheless, is a very wide one, and "*has ample room and verge enough*" to permit the attention to wander from these, and to fix on more inviting peculiarities—as on the great variety of their fables and personages, their spirited dialogue, their wit, pathos, and humour. Thickly sown as their blemishes are, their merit will bear great deductions, and still remain great. We never can forget such beautiful characters as their Cellide, their Aspatia and Bellario, or such humorous ones as their La Writ and Cacafugo. Awake they will always keep us, whether to quarrel or to be pleased with them. Their invention is fruitful; its beings are on the whole an active and sanguine generation; and their scenes are crowded to fulness with the warmth, agitation, and interest of life.' pp. 210—213.

Some of the most splendid passages in the Essay are dedicated to the fame of Milton—and are offerings not unworthy of the shrine.

'In Milton,' he says, 'there may be traced obligations to several minor English poets: but his genius had too great a supremacy to belong to any school. Though he acknowledged a filial reverence for Spenser as a poet, he left no Gothic irregular tracery in the design of his own great work, but gave a classical harmony of parts to its stupendous pile. It thus resembles a dome, the vastness of which is at first sight concealed by its symmetry, but which expands more and more to the eye while it is contemplated. His early poetry seems to have neither disturbed nor corrected the bad taste of his age.—Comus came into the world unacknowledged by its author, and Lycidas appeared at first only with his initials. These, and other exquisite pieces, composed in the happiest years of his life, at his father's country-house at Horton, were collectively published, with his name affixed to them, in 1645; but that precious volume, which included L'Allegro and Il Penseroso, did not (I believe) come to a second edition, till it was republished by himself at the distance of eight-and-twenty years. Almost a century elapsed before his minor works obtained their proper fame.

'Even when Paradise Lost appeared, though it was not neglected, it attracted no crowd of imitators, and made no visible change in the poetical practice of the age. He stood alone, and aloof above his times, the bard of immortal subjects, and, as far as there is perpetuity in language, of immortal fame. The very choice of those subjects bespoke a contempt for any species of excellence that was attainable by other men. There is something that overawes the mind in conceiving his long deliberated selection of that theme—his attempting it when his eyes were shut upon the face of nature—his dependence, we might almost say, on supernatural inspiration, and in the calm air of strength with which he opens Paradise Lost, beginning a mighty performance without the appearance of an effort.'

'The warlike part of Paradise Lost was inseparable from its subject. Whether it could have been differently managed, is a problem which our reverence for Milton will scarcely permit us to state. I feel that reverence too strongly to suggest even the possibility that Milton could have improved his poem, by having thrown his angelic warfare into more remote perspective; but it seems to me to be most sublime when it is least distinctly brought home to the imagination. What an awful effect has the dim and undefined conception of the conflict, which we gather from the opening of the first book! There the veil of mystery is left undrawn between us and a subject, which the powers of description were inadequate to exhibit. The ministers of divine vengeance and pursuit had been recalled—the thunders had ceased

"To bellow through the vast and boundless deep,"

(in that line what an image of sound and space is conveyed!)—and

our terrific conception of the past is deepened by its indistinctness. In optics there are some phenomena which are beautifully deceptive at a certain distance, but which lose their illusive charm on the slightest approach to them, that changes the light and position in which they are viewed. Something like this takes place in the phenomena of fancy. The array of the fallen angels in hell—the unfurling of the standard of Satan—and the march of his troops

> " In perfect phalanx, to the Dorian mood
> " Of flutes and soft recorders"—

all this human pomp and circumstance of war—is magic and overwhelming illusion. The imagination is taken by surprise. But the noblest efforts of language are tried with very unequal effect to interest us, in the immediate and close view of the battle itself in the sixth book; and the martial demons, who charmed us in the shades of hell, lose some portion of their sublimity, when their artillery is discharged in the day-light of heaven.

' If we call diction the garb of thought, Milton, in his style, may be said to wear the costume of sovereignty. The idioms even of foreign languages contributed to adorn it. He was the most learned of poets; yet his learning interferes not with his substantial English purity. His simplicity is unimpaired by glowing ornament,—like the bush in the sacred flame, which burnt but " was not consumed."

' In delineating the blessed spirits Milton has exhausted all the conceivable variety that could be given to pictures of unshaded sanctity; but it is chiefly in those of the fallen angels that his excellence is conspicuous above every thing ancient or modern. Tasso had, indeed, portrayed an infernal council, and had given the hint to our poet of ascribing the origin of pagan worship to those reprobate spirits. But how poor and squalid in comparison of the Miltonic Pandæmonium are the Scyllas, the Cyclopses, and the Chimeras of the Infernal Council of the Jerusalem! Tasso's conclave of fiends is a den of ugly incongruous monsters. The powers of Milton's hell are godlike shapes and forms. Their appearance dwarfs every other poetical conception, when we turn our dilated eyes from contemplating them. It is not their external attributes alone which expand the imagination, but their souls, which are as colossal as their stature—their " *thoughts that wander through eternity*"—the pride that burns amidst the ruins of their divine natures, and their genius, that feels with the ardour, and debates with the eloquence of heaven.'—pp. 242—247.

We have already said, that we think Shirley overpraised—but he is praised with great eloquence. There is but little said of Dryden in the Essay—but it is said with force and with judgement. In speaking of Pope and his contemporaries, Mr C. touches on debateable ground: And we shall close our quotations from this part of his work, with the passage in which he

announces his own indulgent, and, perhaps, latitudinarian opinions.

'There are exclusionists in taste, who think that they cannot speak with sufficient disparagement of the English poets of the first part of the eighteenth century; and they are armed with a noble provocative to English contempt, when they have it to say, that those poets belong to a French school. Indeed Dryden himself is generally included in that school; though more genuine English is to be found in no man's pages. But in poetry "there are many mansions." I am free to confess, that I can pass from the elder writers, and still find a charm in the correct and equable sweetness of Parnell. Conscious that his diction has not the freedom and volubility of the better strains of the elder time, I cannot but remark his exemption from the quaintness and false metaphor which so often disfigure the style of the preceding age; nor deny my respect to the select choice of his expression, the clearness and keeping of his imagery, and the pensive dignity of his moral feeling.

'Pope gave our heroic couplet its strictest melody and tersest expression.

D'un mot mis en sa place il enseigne le pouvoir.

If his contemporaries forgot other poets in admiring him, let him not be robbed of his just fame on pretence that a part of it was superfluous. The public ear was long fatigued with repetitions of his manner; but if we place ourselves in the situation of those to whom his brilliancy, succinctness, and animation were wholly new, we cannot wonder at their being captivated to the fondest admiration. In order to do justice to Pope, we should forget his imitators, if that were possible; but it is easier to remember than to forget by an effort—to acquire associations than to shake them off. Every one may recollect how often the most beautiful air has palled upon his ear, and grown insipid, from being played or sung by vulgar musicians. It is the same thing with regard to Pope's versification. That his peculiar rhythm and manner are the very best in the whole range of our poetry need not be asserted. He has a gracefully peculiar manner, though it is not calculated to be an universal one; and where, indeed, shall we find the style of poetry that could be pronounced an exclusive model for every composer? His pauses have little variety, and his phrases are too much weighed in the balance of antithesis. But let us look to the spirit that points his antithesis, and to the rapid precision of his thoughts, and we shall forgive him for being too antithetic and sententious.' pp. 259-262.

And to this is subjoined a long argument to show that Mr Bowles is mistaken in supposing that a poet should always draw his images from the works of nature, and not from those of art. We have no room at present for any discussion of the question; but we do not think it is quite fairly stated in the passage to which we have referred; and confess that we are rather inclined, on the whole, to adhere to the creed of Mr Bowles.

Of the Specimens, which compose the body of the work, we cannot pretend to give any account. They are themselves but tiny and slender fragments of the works from which they are taken; and to abridge them further would be to reduce them to mere dust and rubbish. Besides, we are not called upon to review the poets of England for the last four hundred years,—but only their present editor and critic. In the little we have yet to say, therefore, we shall treat only of the merits of Mr Campbell. His account of Hall and Chamberlayn, is what struck us most in his first volumes—probably because neither of the writers whom he so judiciously praises, were formerly familiar to us. Hall, who was the founder of our satirical poetry, wrote his satires about the year 1597, when only twenty-three years old; and whether we consider the age of the man or of the world, they appear to us equally wonderful. In this extraordinary work, 'he discovered,' says Mr C., 'not only the early vigour of his own genius, but the power and pliability of his native tongue: for in the point, and volubility, and vigour of Hall's numbers, we might frequently imagine ourselves perusing Dryden. This may be exemplified in the harmony and picturesqueness of the following description of a magnificent, rural mansion, which the traveller approaches in the hopes of reaching the seat of ancient hospitality, but finds it deserted by its selfish owner.

Beat the broad gates, a goodly hollow sound,
With double echoes, doth again rebound;
But not a dog doth bark to welcome thee,
Nor churlish porter canst thou chafing see.
All dumb and silent, like the dead of night,
Or dwelling of some sleepy Sybarite;
The marble pavement hid with desert weed,
With house-leek, thistle, dock and hemlock seed.

Look to the tow'red chimnies, which should be
The wind-pipes of good hospitality,
Through which it breatheth to the open air,
Betokening life and liberal welfare,
Lo, there th' unthankful swallow takes her rest,
And fills the tunnel with her circled nest.

'His satires are neither cramped by personal hostility, nor spun out to vague declamations on vice, but give us the form and pressure of the times exhibited in the faults of coeval literature, and in the foppery or sordid traits of prevailing manners. The age was undoubtedly fertile in eccentricity.' II. pp. 257, 258.

What he says of Chamberlayn, and the extracts he has made from his Pharonnida, have made us quite impatient for an opportunity of perusing the whole poem.

The poetical merits of Ben Jonson, are chiefly discussed in the

Essay; and the Notice is principally biographical. It is very pleasingly written, though with an affectionate leaning towards his hero. The following short passage affords a fair specimen of the good sense and good temper of all Mr Campbell's apologies.

'The poet's journey to Scotland (1617), awakens many pleasing recollections, when we conceive him anticipating his welcome among a people who might be proud of a share in his ancestry, and setting out, with manly strength, on a journey of 400 miles, on foot. We are assured, by one who saw him in Scotland, that he was treated with respect and affection among the nobility and gentry; nor was the romantic scenery of the country lost upon his fancy. From the poem which he meditated on Lochlomond, it is seen that he looked on it with a poet's eye. But, unhappily, the meagre anecdotes of Drummond have made this event of his life too prominent, by the over-importance which have been attached to them. Drummond, a smooth and sober gentleman, seems to have disliked Jonson's indulgence in that conviviality which Ben had shared with his Fletcher and Shakspeare at the Mermaid. In consequence of those anecdotes, Jonson's memory has been damned for brutality, and Drummond's for perfidy. Jonson drank freely at Hawthornden, and talked big—things neither incredible nor unpardonable. Drummond's perfidy amounted to writing a letter, beginning Sir, with one very kind sentence in it, to the man whom he had described unfavourably in a private memorandum, which he never meant for publication. As to Drummond's decoying Jonson under his roof with any premeditated design on his reputation, no one can seriously believe it.' III. pp. 150, 151.

The following brief account of Andrew Marvell is worth extracting, for the spirit with which it is written—though, we think, Mr Campbell does not do justice to the sweetness and tenderness which characterize the poetry, as it did the private life, of this inflexible patriot.

'A better edition of Marvell's works than any that has been given, is due to his literary and patriotic character. He was the champion of Milton's living reputation, and the victorious supporter of free principles against Bishop Parker, when that venal apostate to bigotry promulgated, in his Ecclesiastical Polity, "that it was more necessary to set a severe government over men's consciences and religious persuasions, than over their vices and immoralities." The humour and eloquence of Marvell's prose tracts were admired, and probably imitated by Swift. In playful exuberance of figure he sometimes resembles Burke. For consistency of principles it is not so easy to find his parallel. His few poetical pieces betray some adherence to the school of conceit; but there is much in it that comes from the heart, warm, pure, and affectionate.

'He sat in the Parliament of 1660, as one of the representatives of the city of Hull, and was reelected as long as he lived. At the beginning of the reign, indeed, we find him absent for two years in

Germany and Holland; and on his return, having sought leave from his constituents, he accompanied Lord Carlisle as ambassador's secretary to the Northern Courts; but from the year 1665 till his death, his attendance in the House of Commons was uninterrupted, and exhibits a zeal in parliamentary duty that was never surpassed. Constantly corresponding with his constituents, he was at once earnest for their public rights and for their local interests. After the most fatiguing attendances, it was his practice to send them a minute statement of public proceedings, before he took either sleep or refreshment. Though he rarely spoke, his influence in both Houses was so considerable, that when Prince Rupert (who often consulted him), voted on the popular side, it used to be said that the prince had been with his tutor. He was one of the last members who received the legitimate stipend for attendance; and his grateful constituents would often send him a barrel of ale as a token of their regard. The traits that are recorded of his public spirit and simple manners, give an air of probability to the popular story of his refusal of a court-bribe. Charles the Second having met with Marvell in a private company, found his manners so agreeable, that he could not imagine a man of such complacency to possess inflexible honesty: He accordingly, as it is said, sent his lord treasurer, Danby, to him next day, who, after mounting several dark staircases, found the author in a very mean lodging, and proffered him a mark of his Majesty's consideration. Marvell assured the lord-treasurer that he was not in want of the King's assistance; and humorously illustrated his independence, by calling his servant to witness that he had dined for three days successively on a shoulder of mutton; and having given a dignified and rational explanation of his motives to the minister, went to a friend and borrowed a guinea. The story of his death having been occasioned by poisoning, it is to be hoped [illegible] but a party fable. It is certain, however, that he had been threatened with assassination. The corporation of Hull voted a sum for his funeral expenses, and for an appropriate monument.' IV. pp. 193—196.

The notice of Cotton may be [illegible]oted, as a perfect model for such slight memorials of writers [illegible] the middle order.

'There is a careless and happy [illegible]mour in this poet's Voyage to Ireland, which seems to antici[illegible] the manner of Anstey, in the Bath Guide. The tasteless indelic[illegible]y of his parody of the Æneid, has found but too many admirers. [illegible]'s imitations of Lucian betray the grossest misconception of [illegible]is effect, when he attempts to burlesque that which is lud[illegible] He was acquainted with French and Italian; and [illegible] works from the former language, [illegible] Corneille, and Montaigne's Essays.

The father of Cotton is [illegible]scribed by Lord Clarendon as an accomplished and honourable man, who was driven by domestic afflictions to habits which rendered his age less reverenced than his youth, and made his best friends wish that he had not lived so long. From him our poet inherited an incumbered estate, with a disposi-

tion to extravagance little calculated to improve it. After having studied at Cambridge, and returned from his travels abroad, he married the daughter of Sir Thomas Owthorp, in Nottinghamshire. He went to Ireland as a captain in the army; but of his military progress nothing is recorded. Having embraced the soldier's life merely as a shift in distress, he was not likely to pursue it with much ambition. It was probably in Ireland that he met with his second wife, Mary, Countess-Dowager of Ardglass, the widow of Lord Cornwall. She had a jointure of 1500*l.* a year, secured from his imprudent management. He died insolvent, at Westminster. One of his favourite recreations was angling; and his house, which was situated on the Dove, a fine trout stream which divides the counties of Derby and Stafford, was the frequent resort of his friend Isaac Walton. There he built a fishing-house, "Piscatoribus sacrum," with the initials of honest Isaac's name and his own united in ciphers over the door. The walls were painted with fishing-scenes, and the portraits of Cotton and Walton were upon the beaufet.' pp. 293, 294.

There is a very beautiful and affectionate account of Parnell. —But there is more power of writing, and more depth and delicacy of feeling, in the following masterly account and estimate of Lillo.

'George Lillo was the son of a Dutch jeweller, who married an English woman, and settled in London. Our poet was born near Moorfields, was bred to his father's business, and followed it for many years. The story of his dying in distress, was a fiction of Hammond, the poet; for he bequeathed a considerable property to his nephew, whom he made his heir. It has been said, that this bequest was in consequence of his finding the young man disposed to lend him a sum of money at a time when he thought proper to feign pecuniary distress, in order that he might discover the sincerity of those calling themselves his friends. Thomas Davies, his biographer and editor, professes to have got this anecdote from a surviving partner of Lillo. It bears, however, an intrinsic air of improbability. It is not usual for sensible tradesmen to affect being on the verge of bankruptcy; and Lillo's character was that of an uncommonly sensible man. Fielding, his intimate friend, ascribes to him a manly simplicity of mind, that is extremely unlike such a stratagem.

'Lillo is the tragic poet of middling and familiar life. Instead of heroes from romance and history, he gives the merchant and his apprentice; and the Macbeth of his "*Fatal Curiosity,*" is a private gentleman, who has been reduced by his poverty to dispose of his copy of Seneca for a morsel of bread. The mind will be apt, after reading his works, to suggest to itself the question, how far the graver drama would gain or lose by a more general adoption of this plebeian principle. The cares, it may be said, that are most familiar to our existence, and the distresses of those nearest to ourselves in situation, ought to lay the strongest hold upon our sympathies; and the general mass of society ought to furnish a more express image of man than any detached or elevated portion of the species.

'Lillo is certainly a master of potent effect in the exhibition of human suffering. His representation of actual or intended murder, seems to assume a deeper terror, from the familiar circumstances of life with which it is invested. Such, indeed, is said to have been the effect of a scene in his "Arden of Feversham," that the audience rose up with one accord and interrupted it. The anecdote, whether true or false, must recal to the mind of every one who has perused that piece, the harrowing sympathy which it is calculated to excite. But, notwithstanding the power of Lillo's works, we entirely miss in them that romantic attraction which invites to repeated perusal of them. They give us life in a close and dreadful semblance of reality, but not arrayed in the magic illusion of poetry. His strength lies in conception of situations, not in beauty of dialogue, or in the eloquence of the passions. Yet the effect of his plain and homely subjects, was so strikingly superior to that of the vapid and heroic productions of the day, as to induce some of his contemporary admirers to pronounce, that he had reached the acmè of dramatic excellence, and struck into the best and most genuine path of tragedy. George Barnwell, it was observed, drew more tears than the rants of Alexander. This might be true, but it did not bring the comparison of humble and heroic subjects to a fair test, for the tragedy of Alexander is bad, not from its subject, but from the incapacity of the poet who composed it. It does not prove that heroes, drawn from history or romance, are not at least as susceptible of high and poetical effect, as a wicked apprentice, or a distressed gentleman pawning his moveables. It is one question whether Lillo has given to his subjects from private life, the degree of beauty of which they are susceptible. He is a master of terrific, but not of tender impressions. We feel a harshness and gloom in his genius, even while we are compelled to admire its force and originali[ty].

'The peculiar choice of his subjects was happy and commendable, as far as it regarded himself; for his talents never succeeded so well when he ventured out of them. But it is another question, whether the familiar cast of those subjects was fitted to constitute a more genuine, or only a subordinate walk in tragedy. Undoubtedly the genuine delineation of the human heart will please us, from whatever station or circumstances of life it is derived. In the simple pathos of tragedy, probably very little difference will be felt from the choice of characters being pitched above or below the line of mediocrity in station. But something more than pathos is required in tragedy; and the very pain that attends our sympathy, requires agreeable and romantic associations of the fancy to be blended with its poignancy. Whatever attaches ideas of importance, publicity, and elevation to the object of pity, forms a brightening and alluring medium to the imagination. Athens herself, with all her simplicity and democracy, delighted on the stage to

"let gorgeous Tragedy
"In scepter'd pall come sweeping by."

'Even situations far depressed beneath the familiar mediocrity of life, are more picturesque and poetical than its ordinary level. It is certainly on the virtues of the middling rank of life, that the strength and comforts of society chiefly depend, in the same way as we look for the harvest, not on cliffs and precipices, but on the easy slope and the uniform plain. But the painter does not in general fix on level countries for the subjects of his noblest landscapes. There is an analogy, I conceive, to this in the moral painting of tragedy. Disparities of station give it boldness of outline. The commanding situations of life are its mountain scenery—the region where its storms and sunshine may be portrayed in their strongest contrast and colouring. V. pp. 58—62.

Nothing, we think, can be more exquisite than this criticism,—though we are far from being entire converts to its doctrines; and are moreover of opinion, that the merits of Lillo, as a poet at least, are considerably overrated. There is a flatness and a weakness in his diction, that we think must have struck Mr C. more than he has acknowledged,—and a tone, occasionally, both of vulgarity and of paltry affectation, that counteracts the pathetic effect of his conceptions, and does injustice to the experiment of domestic tragedy.

The critique on Thomson is distinguished by the same fine tact, candour, and conciseness.

'Mr Twining, the translator of Aristotle's Poetics, attributes the absence of poetry devoted to pure rural and picturesque description among the ancients, to the sence or imperfection of the art of landscape painting. The G ks, he observes, had no Thomsons because they had no Claudes. ndoubtedly they were not blind to the beauties of natural scenery; it their descriptions of rural objects are almost always what may be lled sensual descriptions, exhibiting circumstances of corporeal ht, such as breezes to fan the body, springs to cool the feet, grass o repose the limbs, or fruits to regale the taste and smell, rather objects of contemplative pleasure to the eye and imagination. F the time of Augustus, when, according to Pliny, landscape pai ing was first cultivated, picturesque images and descriptions of pros ts seem to have become more common. But on the whole there i uch more studied and detailed description in modern than in ient poetry. There is besides in Thomson a pure theism, and a t of philanthropy, which, though not unknown to classic antiquity as not familiar to its popular breast. The religion of the ancients utiful in fiction, but not in sentiment. It had revealed the [illegible] and terrific agencies to poetry, but had not taught her to contemplate nature as one great image of Divine benignity, or her creatures as the objects of comprehensive human sympathy. Before popular poetry could assume this character, Christianity, philosophy, and freedom, must have civilized the human mind.

'Habits of early admiration teach us all to look back upon this poet as the favourite companion of our solitary walks, and as the author who has first or chiefly reflected back to our minds a heightened and refined sensation of the delight which rural scenery affords us. The judgment of cooler years may somewhat abate our estimation of him, though it will still leave us the essential features of his poetical character to abide the test of reflection. The unvaried pomp of his diction suggests a most unfavourable comparison with the manly and idiomatic simplicity of Cowper: at the same time, the pervading spirit and feeling of his poetry is in general more bland and delightful than that of his great rival in rural description. Thomson seems to contemplate the creation with an eye of unqualified pleasure and ecstasy, and to love its inhabitants with a lofty and hallowed feeling of religious happiness; Cowper has also his philanthropy, but it is dashed with religious terrors, and with themes of satire, regret, and reprehension. Cowper's image of nature is more curiously distinct and familiar. Thomson carries our associations through a wider circuit of speculation and sympathy. His touches cannot be more faithful than Cowper's, but they are more soft and select, and less disturbed by the intrusion of homely objects. It is but justice to say, that amidst the feeling and fancy of the Seasons, we meet with interruptions of declamation, heavy narrative, and unhappy digression—with a parhelion eloquence that throws a counterfeit glow of expression on common-place ideas—as when he treats us to the solemnly ridiculous bathing of Musidora; or draws from the classics instead of nature; or, after invoking Inspiration from her hermit seat, makes his dedicatory bow to a patronizing countess, or speaker of the House of Commons. As long as he dwells in the pure contemplation of nature, and appeals to the universal poetry of the human breast, his redundant style comes to us as something venial and adventitious—it is the flowing vesture of the druid; and perhaps to the general experience is rather imposing: but when he returns to the familiar narrations or courtesies of life, the same diction ceases to seem the mantle of inspiration, and only strikes us by its unwieldy difference from the common costume of expression. pp. 215–218.

There is the same delicacy of taste, and beauty of writing, in the following remarks on Collins—though we think the Specimens afterwards given from this exquisite poet are rather nig-

'Collins published his Oriental eclogues while at college, and his lyrical poetry at the age of twenty-six. Those works will abide comparison with whatever Milton wrote under the age of thirty. If they have rather less exuberant wealth of genius, they exhibit more exquisite touches of pathos. Like Milton, he leads us into the haunted ground of imagination; like him, he has the rich economy of expression haloed with thought, which by single or few words often hints entire pictures to the imagination. In what short and simple terms, for instance, does he open a wide and majestic landscape to

the mind, such as we might view from Benlomond or Snowdon, when he speaks of the hut

> " That from some mountain's side
> Views wilds and swelling floods."

And in the line 'Where faint and sickly winds for ever howl around,' he does not merely seem to describe the sultry desert, but brings it home to the senses.

'A cloud of obscurity sometimes rests on his highest conceptions, arising from the fineness of his associations, and the daring sweep of his allusions; but the shadow is transitory, and interferes very little with the light of his imagery, or the warmth of his feelings. The absence of even this speck of mysticism from his Ode on the Passions is perhaps the happy circumstance that secured its unbounded popularity. Nothing is common-place in Collins. The pastoral eclogue, which is insipid in all other English hands, assumes in his a touching interest, and a picturesque air of novelty. It seems that he himself ultimately undervalued those eclogues, as deficient in characteristic manners; but surely no just reader of them cares any more about this circumstance than about the authenticity of the tale of Troy.

'In his Ode to Fear he hints at his dramatic ambition, and he planned several tragedies. Had he lived to enjoy and adorn existence, it is not easy to conceive his sensitive spirit and harmonious ear descending to mediocrity in any path of poetry; yet it may be doubted if his mind had not a passion for the visionary and remote forms of imagination too strong and exclusive for the general purposes of the drama. His genius loved to breathe rather in the preternatural and ideal element of poetry, than in the atmosphere of imitation, which lies closest to real life; and his notions of poetical excellence, whatever vows he might address to the manners, were still tending to the vast, the undefinable, and the abstract. Certainly, however, he carried sensibility and tenderness into the highest regions of abstracted thought: his enthusiasm spreads a glow even amongst 'the shadowy tribes of mind,' and his allegory is as sensible to the heart as it is visible to the fancy.' pp. 310–312.

Though we are afraid our extracts are becoming unreasonable, we cannot resist indulging our own nationality, by producing this specimen of Mr Campbell's.

'The admirers of the Gentle Shepherd must perhaps be contented to share some suspicion of national partiality, while they do justice to their own feeling of its merit. Yet as this drama is a picture of rustic Scotland, it would perhaps be saying little for its fidelity, if it yielded no more agreeableness to the breast of a native than he could expound to a stranger by the strict letter of criticism. We should think the painter had finished the likeness of a mother very indifferently, if it did not bring home to her children traits of undefinable expression which had escaped every eye but that of familiar affection. Ramsay had not the force of Burns, but, neither, in just proportion

to his merits, is he likely to be felt by an English reader. The fire of Burns's wit and passion glows through an obscure dialect by its confinement to short and concentrated bursts. The interest which Ramsay excites is spread over a long poem, delineating manners more than passions, and the mind must be at home both in the language and manners, to appreciate the skill and comic archness with which he has heightened the display of rustic character without giv- ulgarity, and refined the view of peasant life by situations of ss and tenderness, without departing in the least degree from licity. The Gentle Shepherd stands quite apart from the pastoral poetry of modern Europe. It has no satyrs, nor less simpletons, nor drowsy and still landscapes of nature, but distinct characters and amusing incidents. The principal shepherd never speaks out of consistency with the habits of a peasant, but he moves in that sphere with such a manly spirit, with so much cheerful sensibility to its humble joys, with maxims of life so rational and independent, and with an ascendency over his fellow swains so well maintained by his force of character, that if we could suppose the pacific scenes of the drama to be suddenly changed into situations of trouble and danger, we should, in exact consistency with our former idea of him, expect him to become the leader of the peasants, and the Tell of his native hamlet. Nor is the character of his mistress less beautifully conceived. She is represented, like himself, as elevated, by a fortunate discovery, from obscure to opulent life, yet as equally capable of being the ornament of either. A Richardson or a D'Arblay, had they continued her history, might have heightened the portrait, but they would not have altered its outline. Like the poetry of Tasso and Ariosto, that of the Gentle Shepherd is engraven on the memory of its native country. Its verses have passed into proverbs, and it continues to be the delight and solace of the peasantry whom it describes.' pp. 344-346.

We think the merits of Akenside underrated, and those of Churchill exaggerated: But we have found no passage in which the amiable but equitable and reasonable indulgence of Mr Campbell's mind, is so conspicuous as in his account of Chatterton—and it is no slight thing for a poet to have kept himself cool and temperate, on a theme which has hurried so many inferior spirits into passion and extravagance.

'When we conceive,' says Mr C. 'the inspired boy transporting himself in imagination back to the days of his fictitious Rowley, embodying his ideal character, and giving to airy nothing a "local habitation and a name," we may forget the impostor in the enthusiast, and forgive the falsehood of his reverie for its beauty and ingenuity. One of his companions has described the air of rapture and inspiration with which he used to repeat his passages from Rowley, and the delight which he took to contemplate the church of St Mary Redcliffe, while it awoke the associations of antiquity in his romantic mind. There was one spot in particular, full in view of the church,

where he would often lay himself down, and fix his eyes, as it were, in a trance. On Sundays, as long as daylight lasted, he would walk alone in the country around Bristol, taking drawings of churches, or other objects that struck his imagination.

'During the few months of his existence in London, his letters to his mother and sister, which were always accompanied with presents, expressed the most joyous anticipations. But suddenly all the flush of his gay hopes and busy projects terminated in despair. The particular causes which led to his catastrophe have not been directly traced. His own descriptions of his prospects were but little to be trusted; for while apparently exchanging his shadowy visions of Rowley for the real adventures of life, he was still moving under the spell of an imagination that saw every thing in exaggerated colours. Out of this dream he was at length awakened, when he found that he had miscalculated the chances of patronage, and the profits of literary labour.

'The heart which can peruse the fate of Chatterton without being moved, is little to be envied for its tranquillity; but the intellects of those men must be as deficient as their hearts are uncharitable, who, confounding all shades of moral distinction, have ranked his literary fiction of Rowley in the same class of crimes with pecuniary forgery, and have calculated that if he had not died by his own hand he would have probably ended his days upon a gallows. This disgusting sentence has been pronounced upon a youth who was exemplary for severe study, temperance, and natural affection. His Rowleian forgery must indeed be pronounced improper by the general law which condemns all falsifications of history; [illegible] deprived no man of his fame, it had no sacrilegious interference with the memory of departed genius, it had not, like Lauder's imposture, any malignant motive, to rob a party or a country, of a name which was its pride and ornament.

'Setting aside the opinion of those uncharitable biographers, whose imaginations have conducted him to the gibbet, it may be owned that his unformed character exhibited strong and conflicting elements of good and evil. Even the momentary project of the infidel boy to become a methodist preacher, betrays an obliquity of design, and a contempt of human credulity that is not very amiable. But had he been spared, his pride and ambition would have come to flow in their proper channels; his understanding would have taught him the practical value of truth and the dignity of virtue, and he would have despised artifice, when he had felt the strength and security of wisdom. In estimating the promises of his genius, I would rather lean to the utmost enthusiasm of his admirers, than to the cold opinion of those, who are afraid of being blinded to the defects of the poems attributed to Rowley, by the veil of obsolete phraseology which is thrown over them.

'The inequality of Chatterton's various productions may be compared to the disproportions of the ungrown giant. His works had nothing of the definite neatness of that precocious talent which stops

short in early maturity. His thirst for knowledge was that of a being taught by instinct to lay up materials for the exercise of great and undeveloped powers. Even in his favourite maxim, pushed it might be to hyperbole, that a man by abstinence and perseverance might accomplish whatever he pleased, may be traced the indications of a genius which nature had meant to achieve works of immortality. Tasso alone can be compared to him as a juvenile prodigy. No English poet ever equalled him at the same age.' VI. pp. 156—162.

The account of Gray is excellent, and that of Goldsmith delightful. We can afford to give but an inconsiderable part of it.

'Goldsmith's poetry enjoys a calm and steady popularity. It inspires us, indeed, with no admiration of daring design, or of fertile invention; but it presents, within its narrow limits, a distinct and unbroken view of poetical delightfulness. His descriptions and sentiments have the pure zest of nature. He is refined without false delicacy, and correct without insipidity. Perhaps there is an intellectual composure in his manner, which may, in some passages, be said to approach to the reserved and prosaic; but he unbends from this graver strain of reflection, to tenderness, and even to playfulness, with an ease and grace almost exclusively his own; and connects extensive views of the happiness and interests of society, with pictures of life, that touch the heart by their familiarity. His language is certainly simple, though it is not cast in a rugged or careless mould. He is no disciple of the gaunt and famished school of simplicity. Deliberately as he wrote, he cannot be accused of wanting natural and idiomatic expression; but still it is select and refined expression. He uses the ornaments which must always distinguish true poetry from prose; and when he adopts colloquial plainness, it is with the utmost care and skill, to avoid a vulgar humility. There is more of this sustained simplicity, of this chaste economy and choice of words in Goldsmith, than in any modern poet, or perhaps than would be attainable or desirable as a standard for every writer of rhyme. In extensive narrative poems such a style would be too difficult. There is a noble propriety even in the careless strength of great poems as in the roughness of castle walls; and generally speaking, where there is a long course of story, or observation of life to be pursued, such exquisite touches as those of Goldsmith would be too costly materials for sustaining it. The tendency towards abstracted observation in his poetry agrees peculiarly with the compendious form of expression which he studied; whilst the homefelt joys, on which his fancy loved to repose, required at once the chastest and sweetest colours of language, to make them harmonize with the dignity of a philosophical poem. His whole manner has a still depth of feeling and reflection, which gives back the image of nature unruffled and minutely. He has no redundant thoughts, or false transports; but seems, on every occasion, to have weighed the impulse to which he surrendered himself. Whatever ardour or casual felicities he may have thus sacrificed, he gained a high degree of purity and self-possession. His chaste

pathos makes him an insinuating moralist, and throws a charm of Claude-like softness over his descriptions of homely objects, that would seem only fit to be the subjects of Dutch painting. But his quiet enthusiasm leads the affections to humble things without a vulgar association; and he inspires us with a fondness to trace the simplest recollections of Auburn, till we count the furniture of its ale-house, and listen to the "varnished clock that clicked behind the door."' pp. 261—263.

'Although Goldsmith has not examined all the points and bearings of the question suggested by the changes in society which were passing before his eyes, he has strongly and affectingly pointed out the immediate evils with which those changes were pregnant. Nor while the picture of Auburn delights the fancy, does it make an useless appeal to our moral sentiments. It may be well sometimes that society, in the very pride and triumph of its improvement, should be taught to pause and look back upon its former steps; to count the virtues that have been lost, or the victims that have been sacrificed by its changes. Whatever may be the calculations of the political economist as to ultimate effects, the circumstance of agricultural wealth being thrown into large masses, and of the small farmer exiled from his scanty domain, foreboded a baneful influence on the independent character of the peasantry, which it is by no means clear that subsequent events have proved to be either slight or imaginary.' pp. 266, 267.

There is too much of William Whitehead, and almost too much of Richard Glover,—and a great deal too much of Amhurst Selden, Bramston and Meston. Indeed the *nequid nimis* seems to have been more forgotten by the learned editor in the last, than in any of the other volumes. Yet there is by no means too much of Burns, or Cowper, or even of the Wartons. The abstract of Burns's life is beautiful; and we are most willing to acknowledge the defence of the poet, against some of the severities of this Journal, is substantially successful. No one who reads all that we have written of Burns, will doubt of the sincerity of our admiration for his genius, or of the depth of our veneration and sympathy for his lofty character and his untimely fate. We still think he had a vulgar taste in letter-writing, and too frequently patronized the belief of a connexion between licentious indulgences and generosity of character. But, on looking back on what we have said on these subjects, we are sensible that we have expressed ourselves with too much bitterness, and made the words of our censure far more comprehensive than our meaning. A certain tone of exaggeration is incident, we fear, to the sort of writing in which we are engaged. Reckoning a little too much, perhaps, on the dulness of our readers, we are often led, unconsciously, to overstate our sentiments, in order to make them understood; and, where a little controversial

warmth is added to a little love of effect, an excess of colouring is apt to steal over the canvas which ultimately offends no eye so much as our own. We gladly make this expiation to the shade of our illustrious countryman.

In his observations on Joseph Warton, Mr C. resumes the controversy about the poetical character of Pope, upon which he had entered at the close of his Essay; and as to which we hope to have some other opportunity of giving our opinions. At present, however, we must hasten to a conclusion; and shall make our last extracts from the notice of Cowper, which is drawn up on somewhat of a larger scale than any other in the work. The abstract of his life is given with great tenderness and beauty, and with considerable fulness of detail. But the remarks on his poetry are the most precious,—and are all that we have now room to borrow.

'The nature of Cowper's works makes us peculiarly identify the poet and the man in perusing them. As an individual, he was retired and weaned from the vanities of the world; and, as an original writer, he left the ambitious and luxuriant subjects of fiction and passion, for those of real life and simple nature, and for the development of his own earnest feelings, in behalf of moral and religious truth. His language has such a masculine idiomatic strength, and his manner, whether he rises into grace or falls into negligence, has so much plain and familiar freedom, that we read no poetry with a deeper conviction of its sentiments having come from the author's heart, and of the enthusiasm, in whatever he describes, having been unfeigned and unexaggerated. He impresses us with the idea of a being, whose fine spirit had been long enough in the mixed society of the world to be polished by its intercourse, and yet withdrawn so soon as to retain an unworldly degree of purity and simplicity. He was advanced in years before he became an author; but his compositions display a tenderness of feeling so youthfully preserved, and even a vein of humour so far from being extinguished by his ascetic habits, that we can scarcely regret his not having written them at an earlier period of life. For he blends the determination of age with an exquisite and ingenuous sensibility; and though he sports very much with his subjects, yet when he is in earnest, there is a gravity of long-felt conviction in his sentiments, which gives an uncommon ripeness of character to his poetry.

'It is due to Cowper to fix our regard on this unaffectedness and authenticity of his works, considered as representations of himself, because he forms a striking instance of genius writing the history of its own secluded feelings, reflections, and enjoyments, in a shape so interesting as to engage the imagination like a work of fiction. He has invented no character in fable, nor in the drama; but he has left a record of his own character, which forms not only an object of deep sympathy, but a subject for the study of human nature. His verse,

it is true, considered as such a record, abounds with opposite traits of severity and gentleness, of playfulness and superstition, of solemnity and mirth, which appear almost anomalous; and there is, undoubtedly, sometimes an air of moody versatility in the extreme contrasts of his feelings. But looking to his poetry as an entire structure, it has a massive air of sincerity. It is founded in steadfast principles of belief; and, if we may prolong the architectural metaphor, though its arches may be sometimes gloomy, its tracery sportive, and its lights and shadows grotesquely crossed, yet altogether it still forms a vast, various, and interesting monument of the builder's mind. Young's works are as devout, as satirical, sometimes as merry as those of Cowper; and, undoubtedly, more witty. But the melancholy and wit of Young do not make up to us the idea of a conceivable or natural being. He has sketched in his pages the ingenious, but incongruous form of a fictitious mind—Cowper's soul speaks from his volumes.'

'Considering the tenor and circumstances of his life, it is not much to be wondered at, that some asperities and peculiarities should have adhered to the strong stem of his genius, like the moss and fungus that cling to some noble oak of the forest, amidst the damps of its unsunned retirement. It is more surprising that he preserved, in such seclusion, so much genuine power of comic observation. Though he himself acknowledged having written "many things with bile" in his first volume, yet his satire has many legitimate objects: and it is not abstracted and declamatory satire; but it places human manners before us in the liveliest attitudes and clearest colours. There is much of the full distinctness of Theophrastus, and of the nervous and concise spirit of La Bruyere, in his piece entitled "Conversation," with a cast of humour superadded, which is peculiarly English, and not to be found out of England.' VII. pp. 357, 358.

Of his greatest work, The Task, he afterwards observes,

'His whimsical outset in a work, where he promises so little and performs so much, may even be advantageously contrasted with those magnificent commencements of poems, which pledge both the reader and the writer, in good earnest, to a task. Cowper's poem, on the contrary, is like a river, which rises from a playful little fountain, and which gathers beauty and magnitude as it proceeds. He leads us abroad into his daily walks; he exhibits the landscapes which he was accustomed to contemplate, and the trains of thought in which he habitually indulged. No attempt is made to interest us in legendary fictions, or historical recollections connected with the ground over which he expatiates; all is plainness and reality: But we instantly recognise the true poet, in the clearness, sweetness, and fidelity of his scenic draughts; in his power of giving novelty to what is common; and in the high relish, the exquisite enjoyment of rural sights and sounds, which he communicates to the spirit. "His eyes drink the rivers with delight." He excites an idea, that almost a-

mounts to sensation, of the freshness and delight of a rural walk, even when he leads us to the wasteful common, which

——" overgrown with fern, and rough
" With prickly gorse, that, shapeless and deform'd,
" And dang'rous to the touch, has yet its bloom,
" And decks itself with ornaments of gold,
" Yields no unpleasing ramble, there the turf
Smells fresh, and, rich in odorif'rous herbs
And fungous fruits of earth, regales the sense
With luxuries of unexpected sweets."

His rural prospects have far less variety and compass than those of Thomson; but his graphic touches are more close and minute: not that Thomson was either deficient or undelightful in circumstantial traits of the beauty of nature, but he looked to her as a whole more than Cowper. His genius was more excursive and philosophical. The poet of Olney, on the contrary, regarded human philosophy with something of theological contempt. To his eye, the great and little things of this world were levelled into an equality, by his recollection of the power and purposes of Him who made them. They are, in his view, only as toys spread on the lap and carpet of nature, for the childhood of our immortal being. This religious indifference to the world, is far, indeed, from blunting his sensibility to the genuine and simple beauties of creation; but it gives his taste a contentment and fellowship with humble things. It makes him careless of selecting and refining his views of nature beyond their casual appearance. He contemplated the face of plain rural English life, in moments of leisure and sensibility, till its minutest features were impressed upon his fancy; and he sought not to embellish what he loved. Hence his landscapes have less of the ideally beautiful than Thomson's; but they have an unrivalled charm of truth and reality.

'He is one of the few poets, who have indulged neither in descriptions nor acknowledgments of the passion of love; but there is no poet who has given us a finer conception of the amenity of female influence. Of all the verses that have been ever devoted to the subject of domestic happiness, those in his winter evening, at the opening of the fourth book of the Task, are perhaps the most beautiful. In perusing that scene of "intimate delights," "fireside enjoyments," and home-born happiness," we seem to recover a part of the forgotten value of existence, when we recognise the means of its blessedness so widely dispensed, and so cheaply attainable, and find them susceptible of description at once so enchanting and so faithful.

'Though the scenes of "The Task" are laid in retirement, the poem affords an amusing perspective of human affairs. Remote as the poet was from the stir of the great Babel, from the "*confusæ sonus Urbis et illætabile murmur*," he glances at most of the subjects of public interest which engaged the attention of his contemporaries.

On those subjects, it is but faint praise to say, that he espoused the side of justice and humanity. Abundance of mediocrity of talent is to be found on the same side, rather injuring than promoting the cause, by its officious declamation. But nothing can be further from the stale commonplace and cuckooism of sentiment, than the philanthropic eloquence of Cowper—he speaks "like one having authority." Society is his debtor. Poetical expositions of the horrors of slavery may, indeed, seem very unlikely agents in contributing to destroy it; and it is possible that the most refined planter in the West Indies may look with neither shame nor compunction, on his own image in the pages of Cowper, exposed as a being degraded by giving stripes and tasks to his fellow-creature. But such appeals to the heart of the community are not lost. They fix themselves silently in the popular memory; and they become, at last, a part of that public opinion, which must, sooner or later, wrench the lash from the hand of the oppressor.' pp. 359–364.

But we must now break away at once from this delightful occupation; and take our final farewell of a work, in which, what is original, is scarcely less valuable than what is republished, and in which the genius of a living Poet has shed a fresh grace over the fading glories of so many of his departed brothers. We wish somebody would continue the work, by furnishing us with Specimens of our Living Poets. It would be more difficult, to be sure, and more dangerous; but, in some respects, it would also be more useful. The beauties of the unequal and voluminous writers, would be more conspicuous in a selection; and the different styles and schools of poetry would be brought into fairer and nearer terms of comparison by the mere juxtaposition of their best productions; while a better and clearer view would be obtained, both of the general progress and apparent tendencies of the art, than can easily be gathered from the separate study of each important production. The mind of the critic, too, would be at once enlightened and tranquillized by the very greatness of the horizon thus subjected to his survey; and he would probably regard, both with less enthusiasm and less offence, those contrasted and compensating beauties and defects, when presented together, and as it were in combination, than he can ever do, when they come upon him in distinct masses, and without the relief and softening of so varied an assemblage. On the other hand, it cannot be dissembled, that such a work would be very trying to the unhappy editor's prophetic reputation, as well as to his impartiality and temper; and would, at all events, subject him to the most furious imputations of unfairness and malignity. In point of courage and candour, we do not know anybody who would do it bet-

ter than ourselves: And if Mr Campbell could only impart to us a fair share of his elegance, his fine perceptions, and his conciseness, we should like nothing better than to suspend these periodical lucubrations, and furnish out a gallery of living bards, to match this exhibition of the departed.

II. 1. *A Letter to* SIR SAMUEL ROMILLY, *M. P. from* BROUGHAM, *Esq. M. P. F. R. S. upon the Abuse of Charities.* Eleventh Edition. London, Longman & Ridgway. Edinburgh, Constable. 1818.

2. *A Letter to the Right Hon.* SIR W. SCOTT, *&c. &c. M. P. for the University of Oxford, in Answer to Mr* BROUGHAM'S *Letter to* SIR S. ROMILLY, *upon the Abuse of Charities and Ministerial Patronage, in the Appointments under the late Act.* Fifth Edition. London, Hatchard. 1818.

3. *A Letter to* HENRY BROUGHAM, *Esq. M. P. F. R. S. in Reply to the Strictures on Winchester College, contained in his Letter to* SIR S. ROMILLY, *M. P. from the Rev.* LISCOMBE CLARKE, *A. M. Fellow of Winchester College.* London, 1818.

4. *Vindiciæ Wykehamicæ; or, a Vindication of Winchester College, in a Letter to* H. BROUGHAM *Esq., occasioned by his Letter to* SIR S. ROMILLY, *on Charitable Abuses.* By the Rev. W. L. BOWLES. London, 1818.

5. *A Vindication of the Inquiry into Charitable Abuses, with an Exposure of the Misrepresentations contained in the Quarterly Review.* London, Longman & Co. 1819.

THE question discussed in these publications was not naturally, we think, a Party question:—and we are sure, if moral evidence can ever be a ground of assurance,—that nothing was further from the mind of the distinguished individual who may be considered as its mover, than that it should ever have become one. His adversaries, however, have done their endeavour—and perhaps not altogether unsuccessfully, to give it that character;—and, by the help of misrepresentations and personalities, and appeals to prejudices, more lavishly and fearlessly employed than we have ever known them, to seek some aid to their declining cause by an excess of illiberality, which, in common prudence, they ought naturally to have dissembled. The circumstances which have led to this desperate course of hostility are worth tracing; and are highly flattering and consolatory, on

the whole, to the friends of liberal opinions—though their immediate effect has been to embitter, and perhaps to protract, this particular discussion.

The spirit of liberty has made an extraordinary progress within these few years in this country; and, with it, of course, a rooted contempt and distrust of its present rulers has manifested itself, and is rapidly spreading in every class of society. They and their retainers are naturally alarmed at this; and being very sore and very angry, and very much afraid, they have had recourse, like all other weak rulers in similar circumstances, to the ordinary expedients of bullying and abuse; and given vent to their bile, and proof of their apprehensions, in reviling everything that their adversaries patronize, and endeavouring to crush the germs of a political reformation, in an indiscriminate massacre of all schemes of amendment. The Genius of England has not been asleep, nor her intellect stationary, for the last twenty-five years; nor have the lessons of that memorable period of history been altogether lost on her population. But their progress, and the import of the lesson, were long disguised by the War,—and the Alarms and Patronage to which it unluckily gave birth. As soon, however, as these repressing causes were withdrawn, there was a signal manifestation of independent feeling, and of a resolution to resist imposition and abuse. The Property-tax was abolished; and various reductions and retrenchments forced upon the reluctant hands of the Ministers. They rallied indeed for a while, under the base and false pretence of danger to the Constitution, from the prevalence of a democratic and revolutionary spirit in the body of the people. But the falsehood of this was triumphantly exposed by the evidence produced on the State trials which ensued; and, above all, by the result of the two elections in Westminster, where, if anywhere, Jacobinism was in power and glory, and where it ultimately appeared, that its adherents were utterly contemptible in numbers, and absolutely null in respect to influence, resources, or authority. The complexion of all the contests, and the general tone and temper of the late elections over the kingdom, demonstrated the same thing; and established, beyond the reach of contradiction, in the *first* place, that there was no party or noticeable faction in support of what has been termed radical reform or revolution; and, *2dly*, that there was a general and growing spirit of opposition to the existing Ministry, and to the paltry, ignorant, and illiberal policy upon which they had generally acted.

That such a spirit should arise at any time, must be an event not a little dreadful to the patrons of established abuses,

and rather trying to the temper of the precarious possessors of undeserved power. But that it should arise at a time when there was no special cause of popular discontent—when we were at peace abroad, and rather improving in our financial affairs at home, and when there had been no very recent or signal display either of incapacity or oppression—was, it must be confessed, still more provoking and alarming; as indicating a great deal too unequivocally that it was the result, not of any momentary irritation or accidental displeasure, but of a cool and enlightened conviction of the demerits of those against whom it was directed, and of a deep and inflexible determination no longer to be their dupes and their victims.

In this unhappy state of the ministerial temper, Mr Brougham, who had previously stated very nearly the same things, with very little opposition, in his place in Parliament, and had been cheered in his preparatory labours by the applauses of overwhelming majorities, thought fit to publish a Letter on the Abuse of Public Charities, to his venerable friend and coadjutor Sir Samuel Romilly, which appeared to us, and we believe to most of its readers, to be remarkable not only for the studious avoidance of any thing like party feeling or political animosity, but for a tone of perfect good humour and even courtesy towards all the individuals on whose conduct he had occasion to animadvert. In this light, too, if we are not very much mistaken, it appeared for some time even to the bulk of the ministerial party: and we can perfectly remember, that it was a common remark among such of them as affected liberality, that they wished Mr B. were always as well employed, and trusted he would succeed in ultimately bringing to justice some of the great embezzlers of the property of the poor. By and by, however, came the defeat at Westminster—and the ominous aspect of the whole country at the general election—and, with these, the alarm and the impotent anger, and the mutual recriminations which belong to such disasters. In bitterness of heart it was then recollected, that Mr Brougham was the most formidable and indefatigable of all their opponents; and it was soon discovered, that to allow any merit, however undeniable, to a person of his description, was in the highest degree dangerous and imprudent—that to admit that there were any abuses, even in the management of private charities, was holding out a perilous encouragement to political reformers—and that it was necessary, therefore, to make a stand, and, repaying forbearance with scurrility, to try what could be done by bold misrepresentations, and bolder appeals to prejudices, to arrest, at least for a season, the progress of a necessary inquiry, and to blacken the character of its most illustrious and disinterested supporters.

In this spirit the attack was begun—and in this it has since been carried on. We commiserate the spirit,—but heartily rejoice both in the circumstances by which it has been excited, and in the consummation to which it manifestly tends:—for there is always a revulsion in the public mind, on its recovery from base delusions, most inauspicious to the credit of its deluders; and nothing should be so earnestly desired by the opponents of any administration, as that it should identify itself with the defence of all abuses, and openly avow, as its ruling principle, a fierce and indiscriminating aversion to every species of amendment, improvement, or redress. But though we can allow losers to be angry, and even enjoy the absurdities into which their ill temper betrays them, we must not allow the misrepresentations with which they endeavour to colour their vexation, to pass without a temperate correction; and shall therefore proceed, as quietly and deliberately as possible, to inquire into the grounds of the clamour which has been so industriously excited on the subject of the publications of which the titles are prefixed.

It has often been remarked, that there is no great and enlightened country, in which the State has done so little for the education of the people as England. All writers upon the science of Government, in ancient as well as in modern times, have classed, among the primary duties of the ruler, the care of public instruction: and it is very manifest that this duty is, from its nature, capable of being performed without any deviation from those sound principles of policy which prohibit an officious interference with the private habits of individuals, and the disposal of their capital. The Government may safely and advantageously be entrusted with the establishment of plans for educating the lower and more numerous classes of the community; provided that, in the adoption of such plans, no violence is done to the principles of natural liberty; and that the sound maxim is always kept in view, never to interfere where the object can be attained by individual exertion. But although, in England, no general system was ever adopted, the munificence of individuals, in almost all stations, from the Monarch downwards, has, in the course of time, appropriated large funds to the truly pious purpose of advancing public instruction;—and hence the obvious necessity which exists for taking the state of those funds into consideration, when the Government shall be called upon to supply what may yet be wanted for placing the education of the poor upon a perfect footing.

The Committee which was appointed in 1816 reported, that abuses existed in the management of those funds; and recom-

mended a commission to inquire into them. When the Report was discussed in the House, not a dissentient voice was raised against this suggestion. All parties admitted that the inquiry should be undertaken, and that the Committee had done well in proposing it to the Legislature. In 1817, a similar recommendation was repeated; and in 1818, after some further examination of evidence, the bill was brought in, which, together with the subsequent inquiries of the Committee, has given rise to the present controversy. The subject is, in itself, exceedingly simple; it involves very few points of law or of policy, and these of a kind sufficiently obvious; it has no necessary connexion with details of fact, the most material facts being in truth admitted on all hands; yet has it, through the violence of political hostility, the influence of most misplaced theological hatred, the accidental intermixture of literary, and even national jealousies, and, above all others, the interested anxiety of some persons actually implicated in well-grounded charges, of others looking forward to exposure, and of a still larger class who have a fellow-feeling with all established abuses, been involved in clouds of prejudice and misrepresentation which it becomes our duty to assist in dispelling, lest they should succeed in veiling for a season some of the very plainest truths that were ever offered to the attention of this country.

We trust that we shall not be charged with arrogance if we presume to assert, that we feel no doubt of being able at once to do so most effectually. The evidence lyes before us in the Reports, and the various publications to which the controversy has given rise; and it requires only a moderate degree of attention in any reader, to see how groundless the accusations are which have with so much industry been brought together, for the purpose of darkening the question. As we are anxious not to occupy more of the reader's time than is necessary for the performance of this office, we shall, without further preface, proceed at once to consider, *first*, the more general objections urged against the inquiry into charitable abuses; *secondly*, the answers given to the particular cases of abuse examined by the Committee; *thirdly*, the charges brought against the Committee, and the House of Commons itself, for their conduct in the inquiry; and, *lastly*, the merits of the works now before us. The convenience of this arrangement will appear the more obvious to those who are aware, as every one in the least acquainted with the subject must be, that the real merits of the question are quite independent of by far the greatest part of what has been urged by the enemies of the Inquiry; and we shall thus have an opportunity of discussing these by themselves, before examining

the less important, but equally misrepresented parts of the question. It is hardly necessary to add, that we leave wholly out of view, for the present, the great subject of national education, out of which these discussions have arisen. Some persons have, we fear, purposely sought to perplex it, by means of this controversy; and nothing can be more essential to the interests of truth, than the immediate removal of every accidental obstruction to the original investigation.

I. The object which the promoters of the inquiry had in view, was a full and fair investigation of the abuses universally allowed to exist in the management of charitable endowments. For this purpose, eight commissioners were to be appointed, with powers to examine persons, papers, and records; to divide themselves into four boards, carrying on their labours at the same time; and to report, at stated periods, the result of their investigations to the Legislature. But to prevent all abuse in these powers, no warrant for commitment could be issued without specifying the question refused to be answered, or the document withheld; no person could be called upon to produce any paper, unless it related wholly to a charity. If any other matter whatever were contained in it, an extract of the portion relating to the charity was to be sufficient; if he swore that no part of the instrument called for, related to charity, of course the inquiry as to that instrument must stop; and, at all events, if he swore that he was a purchaser, without notice, for a valuable consideration, neither himself nor his papers could be examined at all. These important restrictions on the powers of the commissioners, have been most studiously kept out of view by the opposers of the measure, because they could not otherwise hope, even for an instant, to raise clamours about the compulsory production of title-deeds.

We have spoken of the existence of abuses as universally admitted. The authority of Lord Kenyon and Lord Eldon, is perhaps a sufficient proof of the universality of this admission.

'Whoever will examine the state of the Grammar Schools in different parts of this Kingdom, will see *to what a lamentable condition most of them are reduced.* If all persons had *equally* done their duty, we should not find, as is now the case, empty walls without scholars; and EVERY THING NEGLECTED BUT THE RECEIPT OF THE SALARIES AND EMOLUMENTS.'—*Per Lord Kenyon*, C. J. 6 *T. R.* 493.

'It is absolutely necessary that it should be perfectly understood, that CHARITY ESTATES ALL OVER THE KINGDOM *are dealt with in a manner most grossly improvident;* AMOUNTING TO THE MOST DIRECT BREACH OF TRUST.'—*Per Lord Eldon*, C. 13 *Ves.* 580.

The language used by the opposers of the bill in Parliament, and out of doors, was equally explicit. They did not pretend

to deny that abuses existed; but some thought the law as it stood was sufficient to correct them; and others, who allowed that some inquiry was wanted, insisted upon confining it within such limits as rendered it almost inefficacious.

To the former class of reasoners, one answer seemed obvious, and that a very short one—'*the Court of Chancery.*' What likelihood is there of a sufficient number of public-spirited individuals being found to risk their fortunes, and sacrifice their quiet, in the endless mazes of a Chancery suit? Lord Eldon himself proclaims the necessity of instituting such proceedings in a fearful number of cases; for he declares judicially, that 'the most direct breaches of trust, and the grossest improvidence,' are to be found in the management of charity estates '*all over the kingdom.*' Then, where are we to look for persons able and willing to bring those delinquencies before his Lordship? It is true, that a remedy by petition has been attempted in the act of 1812 (52 Geo. III. c. 101), and much is said of the facility which this gives to suitors who may be disposed to come forward in behalf of the poor. (*Letter to Sir W. Scott, p.* 28.) But it is rather unfortunate that the high authority of Lord Eldon should again interpose, to damp any hopes which this act might have excited. For his Lordship is reported to have thus spoken of it in the debate of May 27, 1818. 'He allowed that the act was well meant; but said, that both he and Sir W. Grant, in applying themselves to redress, by means of it, the evils complained of, had in the end found so many difficulties in the application of it, that in their opinion, and that of almost every gentleman at the Bar who had been in any way concerned, *they could do nothing but desist.*' But even in the limited number of cases to which the remedy by petition is applicable, the difficulty recurs, of finding persons to proceed. It is vain to talk of the expense being much less than in proceedings by information or bill, or to comfort well disposed persons, by assuring them, as Sir W. Scott's correspondent does, that fifty pounds will cover all costs—although the act gives a power of appealing to the House of Lords, where four times that sum may be expended. No topics of this sort will avail with the bulk of mankind; and for one abuse corrected by such self-devotion, we may rest satisfied that hundreds will pass unexamined.

As for the cumbrous remedy of a Commission of Charitable Uses, it has now fallen almost entirely into disuse; and probably for this, among other reasons, that it is apt to end in the Court of Chancery. In the first century after the statute (43 *Eliz. c.* 4.) 881 commissions had issued, exclusive of those from 1602 to 1643, which could not be stated, from the loss of books in the

office. From 1700 to 1746, there were 322; from that time to 1760, only 33; from 1760 to 1786, there were *but two;* and since 1786, there has been *one* such commission, which ended in the Court of Chancery; where, after full argument, and a case sent to the Court of King's Bench, it has now stood some years awaiting the decision of his Lordship.

The acts appointing charitable donations to be registered, seem also to have failed in a very great measure. Thus Mr Gilberts (26 *Geo. III. c.* .) produced for the East Riding of Yorkshire memorials of only sixty-seven school charities, the united revenues of which amounted to 880*l.*; whereas the evidence before the Education Committee proves, that one endowment there has a revenue of 900*l.*, and in Middlesex the whole revenue is returned as under 5000*l.* for 151 charities; whereas the Committee found three schools worth 70,000*l.* a year. It is evident that no rise of rents during the last thirty years could account for such deficits as these. The late Registry act seems to have been still more inefficient—(52 *Geo. III. c.* 102). The whole number of memorials transmitted to the Enrolment Office, appears to be 588; and although it is possible that some may have been omitted by the Clerks of the Peace, yet this number includes the whole returns from above twenty English counties. The most cursory inspection, too, of the returns, shows how little the act has been attended to; for, were we to believe that it had been executed, we should be obliged to conclude that there are in the North Riding of Yorkshire only two charitable donations secured on land, and in Somersetshire 11, while there are 14 in Rutland. It seems then quite impossible to hold that the law, as it stood last year, afforded sufficient preventives or remedies for the abuses of charitable funds; and accordingly, the more skilful adversaries of the measure affected to admit, both the extent of the evil, and the general principle of the proposed remedy; and applied themselves to the equally effectual opposition which consists in attacking, not the whole, but all the parts.

To expose the gross inconsistency of their proceedings would be endless. They admitted that flagrant abuses everywhere existed, and that they were not confined to one class of charities, any more than to one district: Yet they restricted the inquiry to charities connected with education. They allowed the necessity of sending commissioners hereafter to examine the other endowments also: Yet they refused to save all the time and expense which must be spared by having one inquiry for all. They adopted the important principle of dividing the commission into boards: But they insisted upon each board being composed of three members, and yet they retained the original

number of eight for the whole; thus rendering two members useless, and reducing the number of boards to two. They argued mainly upon the reluctance of trustees to disclose the concerns of their trusts; and gave the commissioners no powers to compel a disclosure. They stated, that the most important class of charities had never yet been inquired into; and urged, as the only reason for continuing the exemption, that which proved the necessity of the investigation. It would be fatiguing the reader to follow minutely the various forms in which these absurdities have been urged. We shall only select the two principal points—the Restriction of the powers of the Board, and the exception as to Visited Charities.

The refusal to give the commissioners compulsory authority, was grounded upon a pretext, industriously framed as the means of exciting clamour, that *the rights of private property* were in danger! The wilful misrepresentations of the subject which have been propagated, in order to support this outcry, are hardly to be matched in the history of delusion. But, fortunately, they are all such as the slightest attention to the nature of the property in question, and to the proposed arrangement, is sufficient immediately to expose. The funds given for charitable purposes are, in no sense of the word, *private property*. They belong by their destination to the poor, the objects of the donors' bounty; and if they are withheld by persons who have no right to them—if, for example, a trustee misapplies them, or a stranger has got possession of them—there cannot be a greater abuse of language than to pretend that the rights of property are violated, by calling upon the wrongdoer to disclose and to account. Every one who has another's property in his possession, must at all times be liable to render an account of it; accountability is the necessary consequence of trust; and to complain that a trustee's rights are invaded, when the party beneficially interested obtains his due, is an insult on common sense, and indeed a contradiction in terms.

As those interested in charitable funds are not only a numerous class, but are peculiarly unable to seek redress for themselves, the law has interposed to take them under its peculiar protection; and it has always sought to effect this, by regarding those funds as *publick property*, in the strictest sense of the words. It is hardly to be conceived that any persons even moderately acquainted with the subject, should be in real ignorance of this difference between charity estates, and the estates of private individuals. The statute of Elizabeth must either open the eyes of such men, or it must appear to them an act of monstrous injustice—an unparalleled aggression upon the *sacred* rights of

property. If a trustee, in ordinary cases, is suspected of a breach of trust; or if the actual possessor of an estate is supposed to be injuring the reversion; or if one man is thought to have another's property in his hands,—the law does not enable the sufferer to obtain redress by a special commission to inquire into the whole matter, and to make orders and decrees for settling the differences. Still less does it (except in the case of infants) permit persons not at all interested to interfere and set the investigation on foot. But, by the statute of Charitable Uses, questions touching the property of the poor are consigned to that extraordinary, and, as was expected, summary jurisdiction. The 52 *Geo. III.* equally recognises the public nature of those rights, by allowing any two individuals (with the consent of the Attorney and Solicitor-General) to institute proceedings respecting them. Mr Gilbert's act treats the matter in the same light. But what should we say of a law to compel every man to disclose the particulars of his estates, real and personal, or even of those which he held as trustee for private persons, on pain of forfeiting one half their value at the suit of a common informer? Even the Registry act of 1812, insufficient as it has proved for want of penalty, requires all persons to register with the Clerk of the Peace the particulars of charitable funds issuing out of lands in their possession, and makes them liable to a proceeding in Chancery if they neglect to do so. Nay, does not the Common-law remedy by information at the suit of the Attorney-General, or on the relation of any person who will subject himself to the costs, most clearly demonstrate, that estates given to charitable uses are regarded by the jurisprudence of England as perfectly different from private property?

But it was soon found, that this vague and general outcry about interfering with the rights of individuals must fail, unless it could be supported by some more specific objections. And it was therefore deemed expedient to suppose, that the projected measure would occasion the disclosure of every man's title-deeds.

What, it was asked, would not be the mischief of such a production of the securities upon which property rests, many of those securities prepared, perhaps, in remote parts of the kingdom, and by insufficient conveyancers, and therefore not impossibly wanting in some of those forms and technical niceties, which, however necessary to the exactness of law, might invalidate real titles, to the overthrow of ancient families? Was it not already within the memory of many Noble Lords, that the careless exposure of a title-deed in the office of a solicitor, had led to a discovery of a flaw of this kind, which, in its effects, had divested a Noble Peer of what he had deemed,

'and with good right, his established property, and had enjoy-'ed for upwards of twenty years?' (*Letter to Sir W. Scott*, p. 18.) It would be trifling with the reader to apply to this, which has been echoed as argument by all the adversaries of inquiry, from the highest to the lowest, any other than its true name. There never was a more unpardonable misrepresentation of the fact. These persons must know, that the Bill gave no powers which could by possibility lead to those consequences; and that, on the contrary, provisions were carefully introduced to prevent even the most remote risk of any such accidents. No man could be called upon to show any deed, unless it related *wholly* to the charity; if any other matter whatever were mixed up with the charitable gift, bequest or devise, the deed was to be left sacred in his repositories, and he was then only to produce a copy of the part or parts in which nothing but the charity was mentioned. The extract was to be prepared by himself or his man of business; and, if he had purchased without notice of the Charitable Uses, he was neither to produce any paper, nor to answer any questions at all,—even though he should, after the purchase, have come into possession of information or writings that proved the property to have belonged to the charity. All trustees, mortgagees and agents, were carefully protected from being called upon to produce papers which their principals, mortgagers, and *cestui que trusts*, could not be compelled to produce; and they were in no case to produce any evidence, without notice given to those beneficially interested. In short, every man's titles were left exactly as they were before; all his property, and the evidence on which his right to it rested, continued sacred; all questions with others respecting that property remained untouched, and cognisable only by the ordinary tribunals of the country: The commissioners were to have the power only to examine the title-deeds of charities whose property he or his ancestors had *knowingly* got into their possession,—without the power to look at one line, or to ask a question in any manner of way affecting a shilling or an acre of his other estates.

And, after all, how few cases could this disclosure reach, which are not already, by law, of publick notoriety! Since 1736, all gifts of land or money, to be laid out in land for charitable uses, must be by deed enrolled. Even before that, the cases were not numerous in which such gifts by deed were mixed with other matters; and all wills, containing any bequest whatever of personal estate, are accessible to the whole world for the fee of one shilling. Upon such foundations do the enemies of the inquiry rest their appeal to the fears of proprietors, whom they would fain persuade that the commissioners are immediately to ransack their repositories, to discover the hidden flaws in

their titles, and, superseding the known course of judicature, to substitute some monstrous agrarian inquisition in its room.

The powers of the commission were also described as unconstitutional and unprecedented. But they were precisely those possessed by all Courts of Justice; and had, moreover, been given by express enactment, to all former Boards of a similar description, and particularly to the Commission of Naval Inquiry.* It is very probable, that the important benefits secured to the country by that justly celebrated measure, had not been forgotten by the enemies of this Bill. They could hardly fail to recollect the extraordinary efficacy of the Naval Inquiry; that it was the commencement of the new era, so inauspicious to the patrons and the creatures of abuse, and in which the country enjoys something like a security against any useful investigation, being beyond a certain period successfully resisted. We shall, on this point, give the reader another specimen of the fairness with which the argument against inquiry has been urged upon the present occasion. 'In the Naval and Military Inquiry,' (says the author of the Letter to Sir William Scott) 'the object was of a different nature; the papers to be required could only be matters of account; they could extend to no inquisition into the titles and muniments of indifferent parties. It was matter of ledger, and no more; and it is an error to maintain that such powers are possessed by all Courts and commissioners of bankrupts. It is rather indeed singular that such an argument should have originated with the learned Chairman himself. There in fact exists no such compulsory unqualified production by third parties of any papers or documents; and, least of all, of that highest description of papers (titles, muniments, and deeds) which were the objects of the clause in question. The learned gentleman has mistaken the scope of the 46 Geo. III. c. 37, in the same manner as he appears to have mistaken the rules of evidence. The 46 Geo. III. merely refers to the obligation of witnesses to *answer questions*, though such answer might make them civilly responsible for debts. But the production of muniments and title-deeds are not included in the words "to *answer questions*."' p. 16.

Now, we have searched Mr Brougham's Letter to Sir S. Romilly, in vain, for any reference to the 46 *Geo. III. c.* 37. It is in no manner of way alluded to. Indeed, how should it be? There is no connexion whatever between it and the matter in hand. The 43 *and* 45 *Geo. III.* are obviously the only acts in question; and these give the Commissioners of Naval and Military Inquiry the powers now contended for in the fullest extent. To say that there exists under these acts no compulsory, unqua-

* See also Commissions for auditing Public Accounts,—Commission of Military Inquiry, &c.

lified production by 'third parties of any papers,' is to shut one's eyes to the plain enacting words. The commissioners are empowered (43 *Geo. III. c.* 16. § 2.) to send their precept 'for *any* person or persons *whomsoever*, and for *such books*, papers, writings or records relating to any of the offices,' &c. or 'to *any contracts, dealings* or *transactions*, which may have taken place with the said offices, &c. or to the business of prize agency, as shall be necessary for carrying into execution the purposes of this act.' And the 4th section authorizes *the commitment* of any person who refuses to attend, or to give up any such book or paper in his possession. There is here no exception made in favour of 'third parties;' on the contrary, the persons described must in many cases stand in this predicament; for it is clear that, whoever happens to have in his possession any paper which relates to any transaction with Government, or with prize agents, whether he be himself a contractor or no, is bound to produce it. And, surely, the inspection of all merchants' books is as delicate an operation as the examination of those parts of a man's title-deeds which relate to the public property. As to the laws of evidence which Mr Brougham is accused of mistating, the next paragraph of the Letter to Sir W. S., answers the accusation, by referring to the case of *Amey v. Long*. The substance of that case is not very distinctly given in the Letter; but enough is said to show, that the powers claimed by Mr B. for the commissioners, were exactly those possessed by Courts of Law. 'The law (p. 17.) will not,' observes Lord Ellenborough, 'put a witness under the unqualified obligation to produce; *but requires him to bring his papers, and to submit to the discretion of the Court, whether, upon the principles of reason and equity, such production should be required.*' * Nothing more was intended in the Bill; nay, nothing like this power was given to the commissioners; for they were prevented from calling for any papers which related to other matter than the charity under their consideration, and from examining at all, where the purchaser had no notice.

The thoughtlessness and ignorance with which the same persons have complained of the indignities offered to *trustees*, by having their conduct investigated, is equally deserving of notice. 'The greater part of such trusts, we are told, were merely *honorary*, and strictly offices of benevolence in those who undertook them:' And 'such persons (it seems) are not the proper

* The Quarterly Review, which is almost wholly taken from the Letter to Sir W. S., cites, with *great fairness*, the first part of the passage, and omits what is here printed in italics.

subjects of such an account.' (*Letter to Sir W. S. p.* 15.) Now, not to mention that *all* trustees are *merely honorary*, and that *every* trust is an office of benevolence in him who undertakes it; we shall allow Lord Eldon and Lord Ellenborough to answer this doctrine of unaccountable trusts, and of degradation and investigation being synonymous.

'I cannot but suppose' (said Lord Eldon in the debate on the Naval Inquiry) 'that a very erroneous opinion must have been conceived and propagated, in regard to the inquiries proposed in this Bill; otherwise they could never have become so much an object of alarm and opposition. It is wrong to suppose that this inquiry will not tend much more to reflect new lustre on the integrity of the upright, than to bring to light the shame of the guilty. *We are not to mistake inquiry for condemnation.* Commissions of inquiry are no new thing in the government of this country; they have been at various times appointed; they have exercised their powers in regard to various branches of the public service. That much benefit has been derived from their diligence, is not to be denied; and it is not remembered that any invasion of the liberties of the subject was ever made by the abuse of their powers.'

Lord Ellenborough protested against having it understood, 'that if the powers of the Bill did not answer its object, the Legislature would not give *larger powers*. If abuses could not be removed by mild measures, it would be the duty of the Legislature to have recourse to such as would wring from the guilty the lurking secrets which were, to the great injury of the country, concealed. *This Bill was only an inception of reform.* But as *enormous frauds* existed, the Legislature certainly owed it to the public to resort to other means of correction, if this *lenient* proceeding did not produce the desired effect.'

We might refer to the authority of Mr Perceval (then Attorney-General) for similar views of the subject, throughout the whole of the debates on the Bill in the Commons; and, if it may not seem an incongruity after such names, we venture to add that of Lord Sidmouth, then Prime Minister, who asserted, that 'every commission for inquiry into abuses during the last fifteen years, had been invested with powers not only as great, but greater:' And pronounced a very warm and most just panegyric on the Noble author of the measure. 'He had no hesitation in saying, that whenever his (Lord St Vincent's) services as a Minister of State shall become the subject of discussion, he would be the object of public admiration; and that this very measure would be marked as one of the distinguishing proofs of his exalted merit; that as his conduct in battle was followed by glory, so his advice in council was dictated by wisdom. These were his sentiments on the Bill—which, let the House recollect, was *not to inflict penalties*, but *to institute inquiry*;—a measure, against which there was no better argument than what tended

to deny the propriety of an inquiry into a future prevention of abuses, the existence of which is admitted.' *

But no such powers as these have been granted to the new Commissioners; they are merely authorized to *invite* persons charged with maladministration, or with defrauding public charities, to furnish the accounts of their malversation; and to *invite*, in like manner, others to produce evidence which may be in their hands of such abuses. Nay, upon a pretence of not interfering with private rights, equally groundless with those which we have examined, no inquiry whatever is to be instituted into any charity which has a special visitor. As this is by far the most important restriction which has been imposed upon the Commissioners, and as the misrepresentations which have been published in support of it are extremely glaring, we shall first state the general argument respecting it, from Mr Brougham's Letter.

'In what respect could the proceeding of the Commissioners interfere with any person's functions, whether as trustee or as visitor? They were only empowered to inquire and to report; to discover abuses, and to lay them before Parliament and the Country. Here their authority ended; they could make no order whatever for correcting the mismanagement which they detected, were it ever so glaring. To search for the evil, and expose it to the light, was their whole office; the remedy was reserved for Parliament, if it required legislative interference; but, in the first instance, it was left to the parties themselves whose conduct had been investigated; and if they failed to amend their ways, the visitors were unquestionably entitled to interpose as if the act had never passed. To describe the Commissioners as coming into contact with the visitors, was a gross misrepresentation of the powers and functions of both. Yet it was entirely upon this misrepresentation, that the clause exempting charities specially visited was built. The pretext, that it was authorized by the example of the Statute of Elizabeth, is utterly unfounded. The Commissioners of Charitable Uses, under that act, have powers which would interfere directly with those of special visitors; for they are not merely to investigate, but to make orders and decrees; they are in fact to sit as a court, and they are entitled to try issues of fact by a jury. The clause exempting charities, specially visited, from their jurisdiction, was therefore necessary to preserve the visitatorial power according to the founder's intentions. But what founder ever dreamt of preventing any inquiry from being made into the state of

* The powers which the Bill gave to inspect merchants' books, and thus discover their own most delicate transactions, as well as those of all their correspondents, were expressly dwelt upon as objectionable, in the course of the debates in both Houses.

his charity? What founder could, were he alive to see it, be otherwise than gratified by an investigation, the result of which can have no possible tendency, but that of enabling the visitor appointed by himself to exercise, with full effect, the powers of superintendence conferred by him for the express purpose of correcting all abuses in the trusts created by his foundation?

'Let it be observed, that the probability of abuses existing in a charity, is by no means diminished by the circumstance of a special visitor having been appointed. In general, the visitor resides at a distance; he is most commonly an official person with other duties to engage him, as the Bishop of the diocese, or the Head of a House at one of the Universities; he is usually directed to visit once in so many years; and if no term is specified, he is only by law obliged to visit every third year: Above all, the exemption in the Statute of Elizabeth has increased the probability of mismanagement in such charities, by preventing them from ever being examined by a Commission of Charitable Uses; while a great proportion of the other charities have undergone this investigation once or twice since their foundation. Now, the transference of the proviso from the Statute of Elizabeth to the present act, has precisely the effect of confining the inquiries of the Commissioners to those charities, most of which have already been examined, and of making them pass over those which have never before been looked into, except by their visitors.

'If any persons should still conceive that the eye of the visitor is sufficient, I would beseech them to consider two things—the slowness with which the knowledge of the evil reaches him, and the risk of his requiring superintendence himself. Abuses are, generally speaking, of slow growth; they creep into public institutions with a sure pace, indeed, if unchecked, but they move on by degrees; and those who are constantly habituated to see their progress, become accustomed to it, and cease to think of it. These, however, are chiefly the persons on whom the visitor must rely for his information; and, even where the change is more rapid and the abuse more glaring, men who live on the spot are not likely to court the odious office of accusing their neighbours. The grand difference between the visitor and the Commisioners, is, that the former, for the most part, will only examine where there is a charge; whereas the latter are to examine at all events, and to find out whether there be ground for complaining, although nobody may have actually preferred a complaint. Then, what security have we against negligence or connivance in the visitors themselves? *Quis custodiet ipsos custodes?* True, the founders have intrusted them with the superintendence; but, where no visitation is appointed, the founders have reposed an entire confidence in the trustees; and yet no one has ever contended that *they* should be exempt from the inquiries of the Commissioners. What good reason then can be assigned for investigating abuses committed wholly by trustees, and sparing those committed by trustees and visitors jointly?

2

'The exception of which I have been speaking is the more to be lamented; because the charities thus screened from the investigation of the Commissioners, are, in the ordinary course of events, and as the law now stands, almost certain to escape every other inquiry.—From the jurisdiction created by the Statute of Elizabeth, they are wholly exempted; and that of the Court of Chancery extends to them only in a limited degree. Where funds have been misapplied, the Court will interfere, notwithstanding the appointment of a visitor; but then its interposition is confined entirely to this breach of trust. It will take no cognisance whatever of any other neglect or misconduct on the part of the trustees. They may have perverted the charity to purposes wholly foreign to the Founder's intention; they may have suffered the school to decay, while the master reaped the profits: they may, through folly, or even by design, have adopted measures calculated to ensure its ruin.—Still, if there be a special visitor who neglects or violates his duty, permitting or abetting the misconduct of the managers, Courts of Equity cannot entertain the discussion of their proceedings, unless the funds are directly misapplied. In the case of a richly endowed school at Berkhamstead, his Lordship admitted that he could not interfere, although he saw the master teaching only one boy and the usher living in Hampshire.* But even as to direct breaches of trust, a court of equity affords most inadequate means of inquiry. No prudent man will easily be induced to involve himself in a Chancery suit, where his private interests are at stake. To expect that any one will do so from the love of justice, and a sense of duty towards the public, is, in all but a few extraordinary cases, truly chimerical.'

It is a most important illustration of this argument, that almost all the cases of abuse examined by the Committee, *were in charities having special visitors*,—whose appointment would thus have effectually screened them from all inquiry before the Commissioners. This leads us to the second part of the subject, the objections urged against the evidence received by the Committee, and the defences set up for the particular abuses reported upon;—a material branch of the controversy, as it relates to the conduct of the individuals respecting whom the Committee inquired,—but of very subordinate importance to the general question, which rests upon arguments so irresistible that it could not be in the least degree affected, even if every one of the charges adduced to illustrate them had been satisfactorily refut-

* 2 *Ves. and Beames*, 138. His Lordship was obliged to decree the money received for fines, then about 5000*l*., to the master and usher, according to the foundation, leaving their conduct in office to be examined by the visitor.

ed. It happens, however, that not one of them has been in the least degree shaken, by all the pains bestowed for this purpose by those whose conduct was examined, and by their friends and political adherents.

II. The principal accusation which is brought against the Committee, is that of having proceeded upon *ex parte* evidence. The whole of the cases, it has been hardily said, rest upon such testimony; and Mr Brougham, especially, is complained of as if he had held parties to be *convicted* of abuses, merely because other parties, contending with them, had come forward to state their allegations, while the accused could not answer for themselves. It may for the present be sufficient to remind the reader, that the whole question being, whether or not there should be an investigation, it was quite enough that *primâ facie* cases should be made out. The proceeding was in its very nature an *ex parte* one; it resembled that of a Grand Jury; and every Committee of the House of Commons inquires in the very same way. That Mr Brougham has rather understated than overstated the amount of the evidence, and rested upon it only as proving the necessity of further inquiry, must be obvious to every one who has read his Letter. One reference to it will suffice to prove this. After stating the result of the evidence on the Pocklington, Mere, Spital, and Huntingdon cases, he adds, 'I am very far from 'asserting that the apparent negligence of St John's College, 'the apparent connivance of the Chapter and the Bishop, and 'the apparent participation of the Corporators, are incapable 'of explanation: but at least these facts show the necessity of 'an inquiry into the conduct of visitors as well as trustees; 'while the alterations made in the Bill by his Majesty's Minis'ters shut out all inquiry, and prevent the public from receiv'ing any explanation.'

But it is *not true* that the Committee only examined one side. A discussion of the cases will at once prove the contrary; and we therefore proceed to consider them; only premising, that it is a gross abuse of terms to call the testimony of a whole parish, or its officers acting in their public capacity, *ex parte* evidence; as if it could be compared to a story told by one individual against another, with whom he has a private dispute relative to his particular and personal interests.

(1.) The first case is that of Mere. The witnesses examined were Mr Dawson, *agent or steward of the charity*, sent *by Mr Prettyman the warden*, as knowing more about it than himself, and Mr White, under whom Dawson farms other land in the neighbourhood. Their evidence (which was of course the best for Mr Prettyman and the administration of the charity) show-

ed that 650 acres, free from tythes and poor-rates, five miles from Lincoln, belong to the charity; that they are let on lease at an ancient reserved rent of 32*l.*, and on fines upon renewal; that 24*l.* of the rent are paid yearly to six poor men, and one pound for agency; and that the Warden receives the remaining 7*l.* of the rent, and *the whole of the fines.* Now, it is quite indifferent what the amount of the fines may be, or what becomes of the difference between the real value of the estate and the reserved rent. Whether the tenant pays too little in the way of fine for an estate, part of which he underlets at half-a-guinea an acre, his own rent being one shilling,—it is at any rate clear, that wherever the money stops on the way, it does not reach the principal objects of the charity, the poor men. The endowment was not produced; but *the steward* said, that '*the land* '*had been left to these poor men*, and this poor warden, to 'read to them, as residentiary, as often as necessary.' (*Evid. 3d Report*, *p.* 175.) Now, does he read to them at all? No, —Does he reside? No. The steward says, indeed, that there is no chapel or church, and that none is remembered to have been standing, nor any almshouses; but he does now show what prevented such accommodation from being provided out of the fines; and he does not show by what title the Warden appropriates those fines. He 'considers it like a living in the 'Church;' and the same view of it is conveniently taken by the adversaries of the Inquiry, who deem it a most satisfactory solution of the whole question. 'The estates of Mere charity 'are let out like *other* church estates, upon leases of 21 years, 'or three lives; a small annual rent only is reserved; but fines, 'as in all *other* cases of church property, are exacted.'—'In a word, the Mere charity is an ecclesiastical estate; it appears to have been so treated since its foundation, according to the intention of the founder, as necessarily presumed from the endowment; and is let only in the ordinary way of church lands.' (*Letter to Sir W. Scott*, *p.* 70, 71.) It is further discovered by another advocate of the abuse, that 'this preferment 'is an ecclesiastical estate, burthened by a *fixed money payment.*' (*Quart. Rev.*) Now all this is perfectly gratuitous. There is not a tittle of evidence that the endowment is in favour of the Warden; or that he is invested with the property, subject to a rent charge in favour of the almsmen. On the contrary, *the Warden's own agent* represents it as a gift of land to the poor brethren and poor Warden. Then, what resemblance has it to church property? It is a charity, and not a church estate; the poor men are the principal objects of the donor's bounty; and if the Warden, who is appointed for their benefit, resided

and officiated (which he does not), his right to take the whole fines, paying the poor men only 26*l.* out of an estate worth at least 300*l.* a year, would remain to be shown. But it seems 'there are 200 or 300 endowments of the same kind in the 'kingdom.' (*Letter*, *p.* 69.) If there were, it would be the best ground for inquiring into such deviations from the founder's intent; but we greatly question the correctness of this assertion. There are many, no doubt, in which the Warden or Master receives a larger proportion of the rents and profits than could have been intended by the foundation; but we suspect there are very few instances of his claiming a right to such a share as reduces the charity itself to little more than a name.

(2.) The case of Spital is the next, and resembles the former in its principal features. Witnesses examined here were *ex parte*, exactly as they were in the last case;—that is, they were *the parties themselves*, Mr J. Prettyman the Master of the hospital, and Mr Bromhead his agent, and none other. From their account, and from the license to alienate in mortmain, which they produce, it appears that this hospital was founded for the 'sustentation 'of certain poor persons, and of a Warden, or Master,' in the year 1339; that one of the estates lets for 600*l.* or 700*l.* a year, on lease, and that there is another let on lives, of considerable value; that the endowment requires a competent provision to be made for the Vicar and for the poor of Skillingthorpe and Little Carlton, as well as for the Warden and certain poor of Spital; that the whole yearly payments actually made are only 30*l.* a year to the Vicar, and 27*l.* 4s. to four *pensioners* and a half; and that there being no hospital, the Master repairs the chapel at Spital. It is broadly asserted by the Master, that 'the remainder of the rents, after paying four pensioners and a half 'at the rate of 5*l.* 4s., is for the maintenance of the Master, by 'the endowment;' and he says, that the pensions were originally only a penny a day, that is, about 1*l.* 10s. a year, (*Evid.* *p.* 183.) But the endowment makes no such disposition of the residue; it gives no preference to the Master; it fixes no sums, nor any number of poor; and if any proportion were kept, surely a pension of 1*l.* 10s. near five centuries ago, was far more than 5*l.* 4s. now. Besides, nothing whatever is paid to the poor of Skillingthorpe and Little Carlton; although the deed says, that 'quædam competentes summæ argenti de fructibus et proficuis' shall yearly be 'paid and distributed to them.' The doctrine of ecclesiastical estates is here again pressed, in utter forgetfulness that the endowment is of a charity. To say that the property was given to the Master, and that the aiding in the maintenance of certain poor was only a condition annexed, (*Letter to*

Sir W. S. and Quart. Rev.), is to misconstrue the plain words of the endowment—'in augmentationem sustentationis suæ AC 'auxilium sustentationis quorundam pauperum in eodem hos-'pitali sive domo degentium in perpetuum.' (*Evid. p.* 181.) The poor are, at the least, as much the object of the founder's bounty, as their '*custos sive magister.*'

A grave charge is, however, brought against Mr Brougham, of mistating, or mistaking, two points in the evidence respecting these Lincoln cases. It seems he has transposed the two Messrs Prettyman,—calling the Warden of Mere the Bishop's nephew, and the Warden of Spital the Bishop's son; whereas the son holds Mere, and the nephew Spital. The distinction is truly important! but, in extenuation of the error, we may remark, that both the Reverend Gentlemen have the same christian and surname; that the evidence does nowhere ascertain which of them is the son and which the nephew; and that the argument, if intended to be pointed against the Bishop, loses weight by the mistake. The other error, of stating the living of Carrington to be in the Bishop's gift, is attributable entirely to the witness, Mr Dawson, the agent of Mr Prettyman, who being asked whether that living was given by the diocesan to Mr P.'s predecessor, says 'YES, *I believe it was.*' Mr Dawson was throughout a very unwilling witness, as any one who reads his evidence may perceive; he was, beside being agent for Mr P., and steward of the charity, under-lessee of a large part of its lands: and he had the virtual patronage of the feu and small pensions actually paid out of its rents. We believe no one who heard him give such an answer as we have now cited, would have doubted that it imported an ample, though reluctant admission of the fact. *

* It may illustrate the spirit, as well as the tone of careless assertion which prevails through the writings of the adverse party, if we take notice of the sneer thrown out against Mr B. for speaking of '*the Hospital of Spital.*' No one can doubt that the name of Spital comes from the Hospital; yet the *parish* is now, and has long been, called *Spital.* All the witnesses give it this name; nay, the endowment expressly says '*Hospitalis de Spital*'—so carefully have these men read the evidence on which they have undertaken to comment! Again, they accuse Mr B. of forgetting, when he complains of the land at Mere being let for half a guinea an acre, that it is not the Warden, but his lessee who so lets it. But the proof of his forgetting this circumstance is, that he mentions it in the same sentence. The Warden *and his Lessees* seem 'to be well provided for,' &c. (*Letter*, p. 14.) To make Mr B. answerable for all the questions asked in

(3.) The *ex parte* evidence examined relative to the Reading Charities, was like that taken upon the Lincoln cases; namely, the party or his agent whose conduct was the subject of inquiry. Yet, by this testimony, or rather admission, it appeared that, as late as 1811, certain charity estates were let for the same rent which they fetched in Charles II.'s reign; and the result of the whole examination certainly is, that the rise of rent since 1811 is still inadequate. For it is admitted (*2d Rep.* p. 43, *Evid. of the Town-clerk of Reading*) that previous to 1660, the sum of 3900*l.* was paid for the land, which, in 1811, let for 196*l.*, and, since that, only lets for 400*l.*, without any fine. To obscur this case, there is an attack introduced upon Mr Parry, who, in his work on the Berkshire Charities, had fallen into an error, not respecting the Reading case, but respecting a school at New Windsor, no mention of which is to be found, either in the Reports, or in the Evidence, or in Mr Brougham's Letter, or any other publication during the existence of the controversy. But then, it seems, Mr Parry had been praised, and even recommended as a Commissioner; and it was good to lessen his authority by all means. He was praised for his zeal, his integrity, and the industry with which he had applied to the subject. Is it any refutation of these commendations to show, that in a long and varied inquiry, carried on without any official powers whatever, he had fallen into an error, which he had the candour publicly to acknowledge as soon as he was convinced of it? If commissioners of inquiry are even over-zealous in searching after abuses, we believe they will be allowed to err on the safe side, by every one who is really desirous of seeing the truth exposed, and who keeps steadily in view, that investigation, and not decision, is the object of the whole proceeding.

(4.) The cases of Yeovil and Wellingborough, may be taken together. The evidence in the one is the testimony of three men who had served as churchwardens, and had been almost ruined by a Chancery suit, undertaken in consequence of an order of the Parish Vestry, which the principal inhabitants signed; and the evidence in the other is the solicitor employed by the parish for seven or eight years, and who received from the inhabitants an unanimous vote of thanks for his conduct in relation to the charities. Both these cases were examined very late in the Session, viz. on the 1st and 6th of June; which

these examinations, is an equal act of fairness. Those who attempt to do so, *must* have known that the Lincoln cases were (*like all the rest*) brought forward by other persons; and that by far the greater part of the questions on the leases were not put by the Chairman.

plainly rendered it impossible to call for the other persons whose names appeared involved in the transactions. The evidence respecting Wellingborough has not been impeached at all; but a garbled extract is given from it (*Letter to Sir W. S. p.* 65.), carefully *omitting* the passage (*Evid. 3d Report, pp.* 212, 213.) which states, *that, till threatened with exposure, the feoffees used to occupy the charity lands themselves.* It is difficult for any one to read the Yeovil evidence, and the deeds supporting part of it, without admitting that something more than a *primâ facie* case, or case for inquiry, is made out against somebody; and one of the three witnesses (Collins) seems to be connected with the parties in question. That the charity lands are underlet, and a surplus unaccounted for, appears to be undeniable.

(5.) The Croydon Hospital may now be considered. It is alleged that the evidence here is entirely *ex parte*; that is, the Committee examined a respectable inhabitant, Mr Harding, and the two Churchwardens, on the last days of the Session; and being referred to the solicitor for the Trustees of one of the charities, in order to get at their names, could not procure his attendance before the Dissolution. This gentleman has since published, in the newspapers, an answer to that part of the evidence which relates to his charity; and a reply has been made, through the same channel, by some other persons who take part with the witnesses. But it appears to us, that in the principal point in dispute, the Trustees have satisfactorily defended themselves. The more important matter, however, of the Hospital, has been left wholly untouched; and it is to this that our attention is chiefly called. That the Committee might safely take Mr Harding's evidence; and that it was in no fair sense of the word that of a party, we think abundantly clear. He had been engaged in these inquiries for above eight years; had himself undergone much expense and vexation in suits, both at law and in equity, for the good of the charity; and had been thanked for his conduct, by an unanimous resolution of the inhabitants, three hundred being present, less than a month before his examination. The result of some of his proceedings is another circumstance highly deserving of attention; he prevailed in the detection of peculation in one very flagrant case, obtained the dismissal of the person accused, a Doctor in Divinity; and caused him to refund. One of his fellow-labourers in these good works, a most respectable gentleman, was maliciously indicted for perjury, and most honourably acquitted, as appears by Lord Chief Baron Thompson's charge to the Jury, in the published report of the trial. But beside all these grounds of credit, Mr Harding adduced, in support of his statements, the Statutes of

the Foundation, and an Abstract of the Charity Estates, with their real values and actual rents at different periods, prepared by and in the handwriting of Mr Middleton, an eminent land-surveyor, and the regular surveyor of the hospital; from which it appears that the estates, worth 2673*l.* a year, are let for 860*l.*, and were, in 1812, let for only 336*l.* To speak of such testimony as *ex parte* evidence, is the grossest abuse of words. In fact, the whole case respecting this charity is *proved* by the Surveyor's Abstract, and by the Statutes, with the exception of a fact which no one pretends to deny,—that the free school is not taught; that the Master receives, for doing nothing, his salary and emoluments, including the enjoyment of a house and premises worth 80*l.* a year, where he keeps a private seminary for his own profit; and that a subscription school is kept in the Foundation school-house.

Accordingly, we have now before us, from Dr Ireland, what is intended to be a statement of the other side of the question; and it explicitly *admits* the very abuses complained of in the Evidence. The underletting of the estates; the former Master's appropriation of the fines; the present Master making his office a sinecure, as his predecessors had done for half a century,—all this Dr Ireland allows. But he denies that the Archbishop, who is visitor, had any control over the management of the revenue; or that he himself had any concern with it; or that he had any control over the hospital, except during the vacancy of the See; or that the cessation of the Foundation school, and the appropriation of the school-house to another purpose, can be blamed, under the peculiar circumstances of the case. Stript of much angry writing, this is the substance of the Doctor's argument. A few words will suffice to expose each of his positions in their order.

No blame was cast upon the Archbishop; Mr Brougham expressly said, that 'he verily believed the abuses were unknown 'to him;' and this was not merely complimentary; for the argument for inquiry urged by Commissioners, partly rests on the great probability of visitors not being aware of such abuses. Neither was it stated, that if the Archbishop had known of the mismanagement of revenues, he could have directly interfered, and by his own authority have rectified it; still less that he had a right to be consulted in all the parts of the financial administration;—which right is all that Sir S. Romilly's opinion, cited by Dr Ireland, negatives, (p. 11.) But, at all events, his Grace might have applied to the Court of Chancery, and thus have corrected any such abuse. He had power to remove any member for breaking the statutes; and he did exercise this power

in the case of malversation referred to, (*Evid. p.* 2081. *Stat. chap.* 21.); and he had the fullest powers of visitation conferred, both by general words and directions,—'by himself, or by such 'discreet persons as he shall think fit, freely to visit and to in- 'quire both of the publick state of it, and also of the private 'demeanour,' &c.; 'and to have a fatherly and compassionate 'care of the poor members.'

If, however, it were true (which it certainly is not) that the visitor could not interfere in any way as to the revenues, either directly, or by his influence in removing, or by inquiry and subsequent application to Chancery, can a stronger confirmation of Mr Brougham's argument be conceived? For the Commissioners are wholly precluded from examining any part of the charity, *merely by the existence of a visitor*;—and thus all inquiry is prevented, upon the ground that some one is called by a particular name, which gives him no right to inquire, or redress, or promote, even the cumbrous proceedings of a Court of Equity. When Dr Ireland defends himself so vehemently against the charge of mismanagement and neglect, he quite forgets that no such charge was ever made. His name is not once mentioned in Mr Brougham's Letter; nor is he in any shape whatever alluded to. Abuses are said to exist; the Doctor admits that they do; and very angrily maintains that he is not to blame. But it seems Mr Harding, one of the witnesses, says, 'he (Dr I.) is 'trustee of the farm at Mitcham belonging to the Hospital, which he will not give up.' This he admits also, but explains the reason of his refusal; and it appears to be satisfactory. But we shall quote his words, and leave the reader to judge whether they contain an account of the matter so inconsistent with Mr Harding's, as to justify the assertion (p. 6.), that the witnesses would, 'in their neighbourhood, scarcely be believed without a voucher.'—'The allusion is to the sum of money. It is false that I have given a general refusal to resign, as stated by the witness. I am ready to resign at a proper time, and to proper persons. But it is true, that I did refuse to those who once specially urged me to it. These were certain persons newly connected with the Hospital, and who declared their wish to be themselves appointed. I did not know any wrong intentions in those persons. But they were in situations which must create large occasional debts to them on the part of the Hospital. I deemed it my duty, therefore, not to surrender the guardianship of this money to those who had so near an interest in it, and whose characters, as strangers, could not, at the moment, be satisfactorily known to me.'

The same witness had said, in answer to the question, 'Has he (Dr I.) had any thing to do with Archbishop Wright's Hospital?' 'Yes—he had for twenty years as Vicar.' And this is complained of as a vague charge by the Doctor, who denies that he has any control, except during the vacancy of the See. The following extract from chap. 26. of the statute, (*Evid. p.* 209.) proves, *first*, that Mr Harding, who produced the states, gave the means of precisely ascertaining the Vicar's connexion with the Hospital; and, *secondly*, that an unlearned person like him, might well be led into a belief that the Vicar had some control over the Hospital, even while the See was filled. 'And for the better government of this my Hospital, because I understand of some discords breeding among the poor that are therein already by me placed, for want of some discretion and understanding to direct them in observing the orders and statutes of this my Hospital; therefore I do ordain and appoint, that the *Vicar* of Croydon, always for the time being, *shall have the oversight of the Warden and poor there*, as well to direct them in the observing, as to punish them according to the said laws and statutes of my Hospital, if they in their several places and offices do not their duties accordingly.' Then follows a solemn charge to the Vicar to perform this trust,—and a saving of the visitatorial power given by the former Chapters. The Vicar has likewise, by chap. 7., the power of judging, with two inhabitants, what children are so poor as to be fit for the free school. *

Upon the subject of this school, the allegation is, that none of the inhabitants had sent their children for many years; and therefore, Dr. I. applied to the Archbishop to have the school-house used for a national school, of which he was the promoter, three counsel having given it as their opinion, that 'such a

* The Doctor's eagerness to defend himself from charges never urged, leads him to make a very solemn declaration as to all the Croydon charities, in the following terms.—"I was never Treasurer, or Receiver, in my own person, of the income of any of them.—I have never rented any of the property of which I was Trustee.—And from no part of them have I ever received, directly or indirectly, *to the best of my knowledge and belief*, any gain or benefit whatever."

We really can see nothing in Mr Harding's evidence which rendered this necessary. When the Mitcham farm is mentioned, a question is put, "Is he (Dr I.) lessee?" The answer is, "No; Major Moodie is lessee." We dare to say, neither Mr Harding, nor any one who reads his evidence, ever felt the least disposition to suspect that the Doctor had received any benefit from the charities, or to expect a qualified denial, upon "the best of his recollection and belief."

measure was both meritorious and legal;' that the Archbishop 'instantly and cheerfully' complied; and that another school-room was built upon the hospital-land, but at the expense of the subscribers, to be ready in case scholars upon the foundation should present themselves.

Now, in the *first* place, the statutes of the founder were here most plainly violated. No opinion of counsel, had they been far more eminent, can raise even a doubt upon this point. 'I do likewise ordain and appoint, that the house which I have builded for the school-house, and also the house which I have builded for the said schoolmaster, shall be for ever employed *to that use only, and to no other.*' (*Chap.* 4. *Evid. p.* 202.); the first and seventh chapters enacting, that it shall be for a free school for poor children. But we should not have objected at all to such a deviation, had it been in fulfilment of the purposes of the charity. If, for example, the donor had clearly meant that a grammar-school should be taught, and there being no children sent for many years to learn grammar, it might have been a fair and useful measure to employ the salary provided by him, in teaching reading and writing. But *this* is not done; the master receives that salary, and does *nothing* for it; lives in the house, and teaches no free scholars; occupies the school-house, or the house built on the charity land in place of the school-house; and takes private pupils for his own benefit. Dr I. assumes, that the founder meant a '*Grammar-School*,' though the words are, 'a *Common School*,' (*Chap.* 1. *Evid. p.* 201): But admitting that the qualifications required afterwards in the master, authorize such a construction, can any one believe, that the total desertion of such an establishment is owing to the unwillingness of the inhabitants to have their children taught for nothing? Is it not rather to be presumed, that, in a parish like Croydon, there would have been some of the 8000 inhabitants willing to take advantage of an excellent grammar-school, had they found no impediments? And if there was no neglect, no unwillingness, nor discouragement given by the master, and the precise purpose of the charity failed from want of objects, could a better ground be conceived for making such a deviation as change of circumstances rendered necessary, in order to prevent the whole benefit of the donation from being lost? The argument on the other side is, that the founder meant grammar to be taught; that no one comes to learn,—and therefore the teacher shall have a sinecure;—which is certainly the last thing that any founder can be supposed to have intended. But how inconsistent with their own conduct, as well as absurd in itself, is this argument, when used by those who have

actually, in the teeth of the founder's strict injunction, used the school-house for a different purpose? The principle of the law is, that where a charity cannot be executed in the particular mode pointed out by the donor, the mode shall be followed as like it as possible, for the purpose of fulfilling his general intent. * And accordingly, where funds have been left for the supporting the poor of a district, by finding them in provisions, medicine, clothes, &c. the overplus has been applied by the Court of Chancery to the education and apprenticing their children, although not a word of such an application occurred in the will. † How do the guardians of Whitgift's Hospital pursue this principle? They allege, that there are no means of fulfilling the founder's intent, in the mode pointed out by him; and therefore, they do not attempt it all; or rather, they adopt the plan the furthest from his intent, and suffer the only use perhaps to be made of his funds which, it is certain, he would not have allowed—the enjoyment of them by a person *who teaches nobody any thing*. Now, be it observed, the visitor has power expressly given him, to make "ordinances for the government and direction of the schoolmaster,' provided they be not contrary to the statutes, (Chap. 7.) Now, can any man pretend that it would have been contrary to the statutes, to direct the teaching of reading? Writing is expressly mentioned, in the same manner with grammar; for the general description of the school is '*a common school;*' and the only clause restraining it to a grammar-school, is that which enumerates the qualifications of the Master,—Greek, Latin, and Writing. Again, the nomination of the Master rests wholly with the Visitor, who might at any vacancy, therefore, have chosen one willing to teach reading as well as grammar and writing. But if no other means could have been devised, an application to Chancery must, under the circumstances, have enabled the requisite extension of the charity to be effected. Yet, for fifty years, it is in complete abeyance; and a partial remedy is at length applied, not by fulfilling the donor's intent, but by perverting part of the property to another use.

Before concluding these remarks, we must repeat, that they proceed upon an admission wholly uncalled for by the facts in the case, namely, that the decay of the school is owing to the unwillingness of the inhabitants to have their children taught.

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* Thoggridger Thackwell. 7 Ves. 36.—See also 3 Ves. 141. and 13 Ves. 69.

† Bishop of Hereford v. Adams, 7 Ves. 334.—See also Attorney General v. Wansey, 15 Ves.

It is easy for a master to say, that no children are sent to be taught. If he is not watched, and has another school to occupy him, he will take care that no applications are made. The inhabitants, says one of the witnesses, *do not know the privilege they have to send scholars;* to which Dr Ireland replies, 'that is their own fault;' and, as a proof of its having been 'repeatedly announced' to them, he says, that it was *once* done by his own advice; meaning, we presume, once during the twenty years of his incumbency. We should not have dwelt so long on this case, but that it is one of a great number, similarly situated, in different parts of the country. And we shall presently see, that the attention of visitors being excited to them can produce the proper effect, and obtain scholars, even where, by an absurd narrowness of construction, the education is confined to grammar alone.

(6.) This brings us naturally to the Pocklington case. The witnesses examined upon it were only the parties whose conduct was the principal object of attention, the visitors, and a solicitor who produced part of the deeds of endowment, but could give no information as to the abuse of the charity. The main point intended to be established by this case is, that a charity may be abused although specially visited; and, as in the last instance, without any blame being attached to the visitors, who reside at a distance, have various other duties to perform, and may never hear of abuses within the knowledge of all the neighbourhood. First, some doubt is expressed by the Master of St John's, as to the visitatorial powers of his college. But the words of the Foundation (*Evid.* p. 158.) seem to appoint them visitors with sufficient precision; at any rate, they give the power of removal. The Master says (p. 144.), that by the endowment, 'the Master or Fellows *might* go to the school and examine the Master;' and that, on removal, 'the Gild of Pocklington school should look out for another.' But the words are, '*Volo et ordino ac firmiter statuo;*' that as often as any of the College happen to be near Pocklington, (where they have estates), 'they *shall* go and examine the school;' and it is further said, that if they find no scholars, * or none fit for the scholarship at St John's, founded by the same deed, they must impute it to their own negligence; for the founder adds, that he not only gives the College the power of removal, but ordains the *choice* of the schoolmaster by the gild, to be in all cases made 'cum maturo predicti magistri

* The words in the evidence (p. 158.) are, 'Si scholares ibidem ad suum collegium eligendos aut nullos idoneos reperierint;' the word '*nullos*' being evidently omitted before *aut.*

collegii et sociorum consilio.' * Nothing can therefore be more clear, than that the complete power of preventing all abuse of the school was vested in the College. Yet the Master and Fellows 'had only incidentally heard of the school not being properly managed,' and had never inquired to satisfy themselves, *until October* 1817, *after two Reports had been made by the Education Committee, referring to Abuses in endowed schools*, and after a good deal of discussion upon the subject had taken place, both in Parliament and out of doors. This, indeed, is *the first* visitation that appears to have taken place since the foundation in 1525, although the College has ever since enjoyed considerable estates from the founder, for the support of the five scholarships.

The visitors, when thus roused to inquiry, found, that by the master's admission, the clear rents received by himself and the usher were between 800*l.* and 900*l.* a year, beside houses for both, and two closes for the master; that he had been in Chancery to set aside some leases, from which a rise of rent might be expected; and that the reports of the neighbourhood made the income considerably higher. The school-room was in a dilapidated state, and had been used as a lumber room and carpenter's shop. There was only *one* scholar, whom the master taught in another room. There had been sixteen altogether since 1809, when the master first resided. For eleven years before that, there had been *none*, and for twenty years only three or four. The master had been, for the last ten months, obliged to be 'a great deal absent from home, much against his inclination,' owing to pecuniary embarrassments; and the usher, of whom he has the appointment, was deaf. All this is admitted by the master, and stated in the evidence of the visitors. (*Evid.* p. 148. *to* 155.) The usual excuse is given, † that no children were ever refused; but it is admitted, that Pocklington has 2000 inhabitants, and that the privilege of sending to the school is not confined to that parish, and that the scholars there educated have the sole title to the five scholarships at St John's; and the *inhabitants* state, that the 'town and neighbourhood would send a large number to the school, were it properly conducted,' (p. 150.) The result, in-

* The witness admits afterwards (p. 145), that the appointment of the Master is in the College.

† The master and usher have, it seems, the sole disposal of the revenues, and are a corporation for that purpose. We cannot, therefore, understand why they do not lay claim to them as property,—and urge the same arguments that have been offered in the cases of Mere and Spital.

deed, demonstratively shows this. The visitors made certain regulations, which were communicated in a very kind letter by the head of the College to the schoolmaster, in January 1818, without any disapprobation of his past conduct; and having gone to see the school in May, he found eight boys attending it (p. 151.); a fact which we recommend to the attention of Dr Ireland, and the others who have assumed that the parish of Croydon, four times as large, has no use for a free grammar school. Who indeed can doubt that both Pocklington and Croydon schools would long ago have been restored to a flourishing state, had the masters been carefully watched?—or that the visitors would have watched them, had their attention been directed to the subject by the inquiries of Commissioners? But the Ministers and the other enemies of inquiry contend, that no investigation should take place where a visitor is appointed; and such cases as Croydon and Pocklington, are those which they would persuade us require no examination whatever!

(7.) The St Bees' case will not detain us long; for there has in reality been nothing said upon it that merits attention. The witnesses examined, were a respectable solicitor, who had for six months been engaged in sifting the case (and who was only called to give the Committee a clue to the inquiry), Mr Wilson formerly the schoolmaster, and Dr Satterthwaite one of the Governors. It is clearly proved, that Lord Lonsdale, being himself a Governor, enjoys, under the will of his predecessor, the residue of a lease for 867 years, of all the coal within the manor belonging to the charity, at a rent of 3*l.* 10s.; that this lease was granted in 1742 to Sir James Lowther, then *himself one of the Governors and trustees*; that the lessees have for many years worked, and still do work, coals in the immediate neighbourhood of the coal so leased, particularly by one pit scarce a quarter of a mile from that coal, they not having the surface, and consequently not being able to sink a pit directly into it. From this pit, coal is raised to the value of several thousands a year; but it is said not to be *proved* that any of this comes from the school property. Perhaps no one will require evidence to show, that a person having obtained, or a person who retains such a lease, in such circumstances, makes use of his right under it; and surely it would be difficult to persuade any one, by either evidence or argument, that the lessee works all round this coal from a pit sunk as near it as he could possibly get it, and yet leaves it untouched. That the lease is perfectly void, no lawyer can doubt: But it is said to have been taken as a favour to the school, whose manerial rights were doubted;—a strange way of

favouring a proprietor, and not quite so decent as that of another obliging character in story, also a great settler of disputed titles, who, when he swallowed the oyster, did not admit that it belonged to either of the claimants. Again, it is pretended that the coal was worth nothing * to any body but the Lowther family, who had all the coals in the neighbourhood, and the command of the passage to the harbour. But is that any reason for their getting, or rather taking it, for nothing? And was the charity to be prevented, for eight or nine centuries, from deriving the benefit of any changes that might take place in the neighbouring property during that great lapse of time? It is urged that Lord Lonsdale did not grant himself the lease. True;—but he holds it though a trustee; and it is *not* urged that he has ever obtained the opinion of any one lawyer, that the lease is worth more than the parchment on which it is written. Moreover, his co-trustees have taken no steps to have it set aside, though, for some years, they have known the matter. Three of them hold livings under him; and one of them has expressed his dissatisfaction, but dreads the Court of Chancery with such an adversary. Yet these being *Governors*, their appointment prevents this case also from being examined by the Commissioners!

But though nothing has been said upon the merits of this question, abundance of extraneous matter has been gathered together, for the purpose of invective against the Committee; and Mr Brougham has especially been charged with promoting this inquiry into St Bees' school for election purposes. In answer to this, it has been stated, without any contradiction, that the first intimation which he received of the case, was from *a ministerial* member of the Committee; and it is clear from the evidence, that inquiries had been going on for many months before, at the instance of private persons, with a view of proceeding in the Court of Chancery. Mr Brougham, too, has himself told us, that he would not allow those who applied to him during the Westmoreland contest, to see the St Bees' evidence, lest it might be used for election purposes; upon which another charge is brought against him, of exercising an undue control over the archives of Parliament; as if it were impossible for a member of a Committee to have notes of its proceedings in his own possession; and as if the Chairman of every Committee did not exercise a certain control over the printing and arranging of the

* We ought not to use this phrase, after the indignation expressed by Dr Ireland against Mr Brougham for saying, that certain lands "are worth nothing, by being badly let on long leases." That this means comparatively nothing, who could doubt?

evidence during prorogations. The author of the '*Vindication*' has added another circumstance, to show how entirely groundless the charge is, of partiality respecting Lord Lonsdale. It seems the evidence (pp. 121–124) contains a case, apparently still stronger, of a similar abuse; namely, of very considerable estates devised in 1700 to support a free school at Lowther, being sold and exchanged by the present Earl, and no school having for many years been in existence. The evidence of this is an office copy of the will, and the testimony of Dr Satterthwaite, rector of Lowther. Had Mr Brougham been inclined to use this for party purposes, it might have served his ends; but it is fairly stated by the author of the '*Vindication*,' that he must have refrained from doing so, in the belief that some very complete explanation could be given of so extraordinary a transaction.

That the evidence was *ex parte* in the St Bees' case, strange as it may appear, has also been hardily asserted. The examination of Dr Satterthwaite, *a Governor*, Lord Lonsdale's chaplain, and the rector of his own parish upon his presentation, might have rebutted this charge. But it is fit to add, what the Journals of the House of Commons show, that on the day of entering upon the case, *Mr Brougham* moved to add to the Committee, Sir J. Graham, a gentleman long employed as *Lord Lonsdale's attorney*, and still living in habits of close political and personal intimacy with his Lordship. He was added accordingly, and attended the whole examination of the evidence; of his diligence in sifting and explaining which, the minutes bear internal marks.

This seems sufficient to show, that the evidence upon which this case rests is not *ex parte*. But how happens it that the enemies of the Inquiry have wholly overlooked the documents contained in the *Fourth* Report, p. 340? We there find a statement by *four resident Governors*, (including three of the clergymen who hold livings from Lord Lonsdale), that the *lease was exactly such as Mr Wilson describes it*. Those who wonder at the Committee proceeding without the production of the lease itself (as if no steps had been taken to compel it), would do well to observe the authority by which its contents are thus substantiated. But the author of the Letter to Sir W. S. complains that the documents referred to by Mr Wilson were not sent for; although Mr Brougham received a Letter from Mr Bradley, the present schoolmaster, enclosing one from Lord L., dated May 2d, signifying his willingness to deliver them up. (p. 40.) From the accuracy of this charge, the reader may form an estimate of the fairness used generally by the opponents of the Inquiry.

The authors of this charge *must* have read Mr Bradley's Letter, as well as Lord Lonsdale's, a copy of which *forms part of it*. Now, Mr Bradley expressly states, that he had received an order from the Committee on the 23d of May, to send up the documents relating to the school (*Evid.* p. 130.) This order must have been sent from London on the 20th or 21st; and the first witness was only examined on the 20th (*Evid.* p. 102.) This seems enough to rebut the charge;—but this is not all. Lord Lonsdale's Letter is dated, not the 2d of May; but the 28th; it was sent from Rutlandshire to Cumberland, and thence to the Committee, who *could not* have received it before the 2d or 3d of June; but, in fact, Mr Bradley's letter enclosing it is dated June 15th (*Evid.* p. 129), and *Parliament was dissolved on the 10th!* Lastly, the '*polite offer*' of Lord L. to deliver up the documents, is overstated. He says, that the presence of three governors is required by the statutes; and expresses his readiness to attend, or depute some other governor to attend for him. Now, his Lordship saw no difficulties at all in 1814, when he wanted to take the documents out of the same chest for his own use. He sent his attorney, who is *not* a governor, but who somehow or other came with two keys, and one governor (holding a living of his Lordship); and, notwithstanding the 'statutes, which require the presence of three governors,' these *two* gentlemen opened the strong box and took away a document, which they kept for an hour. They then returned with it; and, upon inspection, Mr Wilson found that it was the lease in question of all the coals for 867 years, at 3*l.* 10*s.* rent; and he copied these particulars from the indorsement on it (*Evid.* p. 101.) Perhaps it will be admitted, under all these circumstances, that the Committee are not very much to be blamed for receiving this as sufficient evidence of the transaction.

It is proper to add, that soon after the visit to the charity, Lord L. presided at a meeting of the Governors, which reduced the Master's salary from 70*l.* to 50*l.*, in consequence, it was stated, of the expenses of an enclosure; that we find a note in a statement of the revenues transmitted by the Provost of Queen's (one of the Governors), 'that the reserved rent of 3*l.* 10*s.* does not appear to have been brought into the account,' (*Evid. p.* 342.); that the discussion of the validity of the lease appears to have begun, in a letter from a solicitor called Hodgson to the Provost in 1807; and that a solicitor of the same name has since been taken into Lord L.'s employment (*Evid. pp.* 113. 341.);—circumstances upon which a political antagonist might have perhaps made various remarks, had he been influenced more by personal motives, than by a regard for the interests of the question. No allusion whatever to them can be

found in Mr Brougham's Letter, which does not allot above three or four sentences in the whole to the St Bees' case.

(8.) The last case to be considered is that of Huntingdon Hospital: and in this, more than in all the rest, has the charge of condemning upon *ex parte* evidence been urged. 'Mr Wells a solicitor, is the only evidence called before the Committee,' (says the author of the Letter to Sir W. S.); and he appears to have been at law with the Corporation for six years, and to have seized their mace, in order to get an answer to an information filed by him in the Court of Chancery. It must be confessed, therefore, that the evidence of this gentleman is that of a litigant, and an angry litigant;' and the inference is, that 'the other side should have been heard before the conclusion was drawn against the Corporation.' (p. 66.)—So the Quarterly Reviewers, whose discourse is wholly formed of the Letter-writer's matter, amplified and exaggerated, but not illustrated, assert, 'that the *sole and sufficient* witness to substantiate these charges,' is Mr Wells; that 'to style the conversation of this person "evidence," is an abuse of terms; that 'it is *intemperate rage* venting itself in the language of clamour and scandal;' that they 'should have hoped no person who was sensible of the 'value of a fair character, or had the feelings of an English'man respecting evidence, would have *condemned* the Cor'poration unheard upon such depositions as those of their de'clared adversary.' An explanation is obligingly added—a sort of key to the conduct of the Committee and its Chairman—which it seems all proceeds from political hostility towards the Sandwich family,—whose interest prevails at Huntingdon, and who support the present Ministers.

Now, whoever has read Mr Wells's evidence, must have perceived that he came forward as solicitor to certain inhabitants of Huntingdon, who were the relators in the information; and that both they and he were acting without the least particle of personal interest, and merely for the benefit of the charity and the town; that one of these relators was a most respectable clergyman, and another a gentleman of station, who, with the other relators, were 'sent to Coventry' by the Corporation and those in its interest; and that Mr Wells had himself expended 1200*l.* in seeking redress for the charity and town. A man under these circumstances cannot be called a party. He has not the kind of interest which disqualifies a person to give evidence in his own cause. He may, indeed, well be expected to express himself warmly; but the heat, and even intemperance of his language, will by no means render his story incredible. Thus much for Mr Wells's testimony, even if the assertion had

been true, that the case against the Corporation rested wholly upon it. This, however, happens to be untrue; and it is difficult to imagine how those who read the evidence *could* have been ignorant of its falsehood. The principal charge against the Corporation, indeed the only very serious one, is that of letting the charity estates at an under rent to members of their own body, they being special visitors, and having the whole management of the Hospital concerns. The proof adduced of this is a schedule, not even prepared by Mr Wells, but only produced by him—a schedule *drawn up by the Master in Chancery*, Sir J. Simeon, to whom the matter was referred —drawn up, too, *from the answers of the Corporation themselves*, and the depositions of sworn surveyors appointed by the Court. The title of the schedule (*Evid.* p. 216.) *must* have shown this to the Letter-writer and his reviewers. It begins, '*In Chancery;*' then states the names of the parties; and then runs thus—' Schedule of the several estates belonging to St John's Hospital in the borough of Huntingdon, with the several rents thereof, *as set forth in the answer of the defendants*, and an estimate or valuation of the improved rents made by Messrs Humphries and Wandly; with the names of the present tenants.' These estates, thus set forth by the Corporation themselves, consist of 37 parcels, almost the whole of which are also stated by them to be in the occupation of their own members. The rent sworn to by them is 163*l.*; the value fixed by the surveyors is 791*l.* In the course of the proceedings, the rent was raised from 163*l.* to 230*l.* not to 791*l.*, as the correspondent of Sir W. S. conveniently supposes, mistaking the valuation of the surveyors for the new rent actually paid. We have observed, that this schedule is annexed to the Report of Sir J. Simeon the Master. The author of the '*Vindication*' has given an extract from the Report itself, in which the charges against the Corporation are distinctly affirmed as the result of the evidence; and every material allegation of Mr Wells is supported, both as to the neglect of the school, and the letting of the estates. The school, indeed, is in the too common predicament, of a salary, a good house and garden, amounting in all to 120*l.* a year, and no scholars taught gratuitously, upon the alleged ground that the endowment is a grammar school, and that the inhabitants of Huntingdon don't chuse to have their children taught the learned languages. We believe nothing further needs be said of this case, except that it adds one to the number of those which are exempted from the inquiries of the Commissioners by the appointment of visitors, and that those visitors are, themselves, the principal wrongdoers;

and that although the Court of Chancery may, in the period of time allotted to such proceedings, take cognisance of their operations, as trustees, in the receipt of rents and profits, yet it cannot examine or rectify the mismanagement of the school.

We have now gone through the whole of the cases, with a minuteness which the reader will easily excuse, when he recollects the attempts that have been made to stifle this most important inquiry, chiefly by raising an outcry against the kind of evidence received by the Committee, and by disseminating broad, unwarranted assertions, that there was nothing at all in the various charges of abuse. By misrepresentation of the facts, by studied concealments, by much unprofitable declamation, and by a profusion of extremely misplaced jests, those assertions have been made to pass current with persons wholly ignorant of the details. It has been our humble task to dwell upon the facts. The rhetoric and the wit—we might perhaps say the drollery, we have no ambition, and no pretensions to rival: we could not use such weapons, if we would; and assuredly, upon a subject like the present, we should not employ them were they within our reach.

III. The most serious of the charges brought against the Committee, has been incidentally disposed of, by the irrefragable proofs which an examination of the cases affords, that they did not rest upon *ex parte* evidence. That the Committee might have sifted some of them more thoroughly, cannot be doubted; but it was not their object to complete the investigation, even if time had been allowed for it. To lay a ground for inquiry, not to perform the whole office themselves, was the manifest purpose of their appointment. Had they examined every part of each case, they would have rendered all further proceedings unnecessary, as far as those cases were concerned. But, indeed, without repairing to the spot, it would have been impossible satisfactorily to have completed the discussion of almost any one of the cases.

The conduct pursued towards some of the witnesses, has been much commented on; and the examination of the Master of St John's has been especially attacked. There is every reason to believe, that the authors of those remarks might have ascertained, had they inquired, the inaccuracy of the statement, and have learnt, that every witness was treated with the greatest attention and courtesy. The existence of the rumours respecting college livings, is undeniable; the first question put, contradicted the charge of partiality, and all the subsequent questions are manifestly, to any one who has ever seen or read an examina-

tion, put with the view of giving the witnesses an opportunity of making that contradiction more precise and satisfactory. To mistake this for a severe, and even insolent, *cross-examination*, is either a most strange blunder, or a very invidious and uncharitable misconstruction. It is remarkable, that no Member of the Committee, nor any one actually present, nor any of the witnesses themselves, have ever been heard to complain of the manner in which the Inquiry was conducted.*

Much has been said upon the hardship of persons undergoing these examinations into their conduct, and being brought before the publick, without an opportunity of producing evidence in their own behalf. Now, every Parliamentary Inquiry is liable to the same remark: Nor would it be possible to prevent the alleged evil, without suspending the Inquisitorial functions of the two Houses altogether. The right of petitioning is exposed to the same objection in a much greater degree; nor is there any redress for persons whose conduct may be held up, in the exercise of this right, to Parliament and the publick. The proceedings before a Grand Jury are of a similar description; and every one must have been struck with astonishment at seeing our author, who affects to be a lawyer, assert that there is a difference here, inasmuch as 'the matter is afterwards examined in all its 'parts by a legal trial,' (*Letter to Sir W. S. p.* 30.); forgetting that there may be a bill found and no prosecution, and that no action can be maintained against the person preferring the bill, unless it can be shown to originate in malice, and to have been without any probable cause. Would this rule have given the least hope of redress to a single one of the persons whose conduct has been attacked in any of the many important Parliamentary Inquiries which have of late years been carried on, to the infinite benefit of the country, and the confusion of publick delinquents? Above all, is there an individual, whose name appears in the Reports of the Education Committee, who can pretend that there was malice, or deny that there was the fairest ground for what has been said respecting him? Even admitting that the cases have not been proved; admitting that there has been opposite evidence adduced to rebut whatever the witnesses alleged,—which of all the parties stands upon such ground as to complain of malicious and unfounded censure? No blame could have been imputed to the Committee, had the cases exposed in the evidence been found, upon further inquiry, to wear a different aspect. Yet we have seen, that minute investigation,

* The gross mistake, by which the Chairman of the Committee is made answerable for all questions put, has been already remarked. It is scarcely possible to ascribe this to ignorance.

after hearing all the parties, *confirms* the most important parts of each case: And if there are one or two particulars which have been explained away in the single case of the Croydon *parochial* charities, or if it should be found, in the only case in which we have not now had the advantage of a statement on the other side, that the Churchwardens and inhabitants of Yeovil have somewhat too highly coloured their account of abuses, let it be recollected, that the Report of the Committee did not, in either of those instances, hold up individuals to the publick for the first time; but that both questions had long been in agitation, with the utmost publicity, both in the vicinage and in the Court of Chancery.

But the most favourite charge against the Committee, is that of having exceeded its powers. The appointment was, to inquire into the Education of the Lower Orders; and an instruction was added, upon which very great reliance has been placed, as tending peculiarly to confine the functions of the Committee to the lowest orders, 'to consider what might be fit to be done with respect to the children of paupers who should be found begging in the streets *in and near the metropolis*,' &c. These words clearly show, that this part of the appointment belonged only to the Committee in 1816, which was confined to London and its neighbourhood; and accordingly, *it was entirely omitted* in the order of the House renewing the Committee in 1818, and extending its inquiries to the whole island. But it is a fact well known to every one at all acquainted with the proceedings of 1816, that the instruction was then added on the motion of the late Mr G. Rose, some time after the inquiries had begun; and that no one but that gentleman ever interfered in respect to this additional matter.

It is, however, much more important to observe, that, during *the first Session* of its labours, the Committee examined minutely, not merely what are commonly called Charity Schools, but other establishments, such as St Paul's, the Charter House, and Westminster schools. This investigation was well known to the House, and excited much attention in the publick. Considerable discussion took place in Parliament, both upon the Report being received, and out of doors, upon its being published. Great praise was lavished on the Committee by all parties; nor was a whisper of blame ever heard from any quarter, nor a doubt expressed of the strict propriety of the line of inquiry pursued, save that the witnesses from the Charter House objected to produce their accounts without leave of the Governors; and their objection was overruled. When the Committee was to be revived, with a field of operations far more extended in point of space, the same words were employed to define the nature and

object of its inquiries: and no restriction whatever was imposed, although it was perfectly well known, that schools of the same class with Eton and Winchester had, two years before, been examined. Who shall resist the conclusion which so immediately follows from this simple statement of fact? Who can doubt that the Committee were justified by the tacit sanction of the House, the parties and the publick, in pursuing the same course now as formerly; and that the resistance since conjured up to its proceedings, has arisen from the consciousness that the institutions examined in 1818 were not so well prepared to bear the light as those which had been examined in 1816? Nay, even in 1818, there might at any moment have been an opposition to the course of proceeding adopted; the Committee, made up of members from all sides of the House, might have been divided, or an appeal made to the House to control it in the alleged excess of its delegated powers. But, publick as its proceedings were, no such attempts were made; and the champions of the Universities and great schools lay quiet during the Session, and for some months after it had closed.

In truth, the Committee could not avoid looking into those institutions. Their foundations plainly indicated, that they were originally *charitable*-endowments: The '*lower orders*' clearly meant the poor generally, or those who were the objects of charity; and, independent of any such construction, the same foundations were unquestionably intended to promote, and, in earlier ages, did in fact principally promote, the education of persons of the '*lower orders*,' in the strictest sense of the word. This has been so admirably demonstrated by the learned and acute author of the '*Vindication*,' that we wish rather to refer the reader to his work, than to enter at length into the argument upon the present occasion. We reserve this, indeed, for the subject of a separate article, regarding it rather as a digression from the main question of Charity Abuses. But we shall add a very few words, to give a specimen of the reasoning on both sides of the controversy.

As the very marked and decisive words '*pauperes et indigentes*,' or '*inopes*,' confessedly occur in the description given of the objects of the endowments, it becomes necessary to explain them away, in order to show that the founders *had not the lower classes* of society in their contemplation! It is said, therefore, that in those remote ages, no one ever thought of educating the lower classes; and the inference is, that the words mean poor gentry. The fact is wholly otherwise. The Church was, in a great proportion supplied from persons not merely poor, but low in rank; and it was for the education of children to fill clerical offices, that those

endowments were intended. A passage is cited in the '*Vindication*,' from Peers Plowman's Vision, (written about the time of William of Wykham), in which bitter complaints are made of the sons of villeins, and beggars' children getting into the Church, and the sons of lords being reduced to the class of day-labourers; and an oration is preserved of Richard Fitzralph (in 1357), from which it appears that the students at Oxford had fallen away from 30,000 to 6000, through a disposition to leave the University, and follow the life of Mendicant Friars,—a fact wholly inconsistent with the supposition that these 30,000 students had been principally of gentle blood. Many other circumstances are stated in the '*Vindication*,' to show that scholars and churchmen were taken from the lowest classes, as well as from the poor branches of better families; and we may add, that in some of the older acts of the Scotish Parliament, poor scholars are treated exactly in the same manner with common vagrants. It can hardly be imagined that the founders, who so well knew these things, would have used words which plainly included the lowest classes, nay, which much more pointedly alluded to them than to poor gentlemen, without any restriction, if they had intended to exclude the former in favour of the latter. They in fact destined their bounty for the poor—and that without any distinction of rank. All the restrictions are against wealth, and not in favour of birth.

It has, however, been said, that even wealth is not excluded; for that the child is only required to have no income independent of his parent. This is most satisfactorily answered, by referring to those cases where the same words are used, (*pauper*, *indigens*, *inops*), but where, besides the limitation of the sum which the child can spend, for greater clearness, and as if to prevent the adoption of the very construction in question, another limitation is added with regard to the patrimony which he is to have at his parents' decease—*e. g.* where a child is excluded, if at his father's death he is to inherit a patrimony of more than six pounds. It is answered, too, by observing, that according to the construction in question, the child of the wealthiest peer in the land would come under the description of '*pauper*, *inops*, and *indigens*,' in the common—the almost universal case, of his having no fortune independent of his father.

The decrease of the value of money has likewise been brought forward as an argument for enlarging the sums fixed in the endowments. But it must be recollected, that those sums are all *maxima*: Besides, when a person is described, in the reign of Elizabeth, as one who never can be possessed of six pounds altogether (independent of the charity), is it not plain that he

must be in the poorest circumstances, whether we take the value in corn or money? Are the words '*pauper*,' &c. to be translated persons in easy circumstances, because we find them coupled by those who use them with an income amounting in the whole, and at the outside, to a quarter of wheat yearly? Is it not more natural to take them as indicating all the poorest persons in the community, from those who have absolutely nothing, up to those who have next to nothing?

Again referring the reader to the '*Vindication*,' for a most ample and able exposition of this branch of the subject, we may now observe, that nothing can be more unfair, than to represent the views of the Committee as hostile to the great public schools and colleges, because they examined the state of the former, and published the statutes of several of the latter. An attempt has most industriously been made to persuade the public, that there has been a design formed somewhere of converting these seminaries into establishments for educating paupers. The glaring absurdity of this charge is perhaps a sufficient security against its being listened to. It may be ranged in the same class with the accusation brought against Mr Brougham, of designing to make himself dictator in this country, by establishing an inquisition into all private titles, and placing himself at its head. The Committee examined the deviations of Eton and Winchester from the original intentions of their founder; but, far from expressing an unmeasured disapprobation of those changes, or throwing any blame at all upon the persons now acting under them, they take notice of them only in the following kind and moderate language. 'Although in some respects the deviations have proved beneficial, upon the whole, to the Institutions, yet they have been, by gradual encroachments in former times, carried too far. While, therefore, your Committee readily acquit the present Fellows of all blame in this respect, they entertain a confident expectation, that they will seize the opportunity afforded by the Inquiry of doing themselves honour, by correcting the abuses that have crept in, as far as the real interests of the establishments may appear to require it. If, too, there should exist similar errors in the Universities which have not been examined, your Committee willingly flatter themselves that steps will be taken to correct them, by the wisdom and integrity of the highly respectable persons to whose hands the concerns of those great bodies are committed.' (*3d Report*, 59.)

The publication of the statutes seems an important step towards these salutary measures; and as a full discussion of the subject can alone ensure their adoption, we shall take an early opportunity of entering upon it, with the lights struck out by the evidence, and by the tracts to which it has given rise.

IV. Of the merits of the particular works before us, it is not now, perhaps, very necessary to say any thing. The 'Letter to Sir Samuel Romilly,' we have sufficiently characterized in the outset;—and it must be needless to enter at large into the contents of a publication, which, in the course of six months, has advanced to a twelfth edition. That it is distinguished by a resolute avoidance of all party feelings, and by a tone of the utmost personal courtesy and conciliation towards every individual referred to, must be manifest, we think, to all who have glanced at its pages;—nor do we know, indeed, where we could find a happier exemplification of good humour united to firmness, and temperance, and even gentleness of manner, disarming the most emphatic statements of all bitterness or offence.—We may extract a sentence or two, just to remind our readers of the tone in which it is written.

'If the framers of the measure cannot be accused of rashness or impatience, so neither are they liable to the charge of Party-feeling, or of undue prepossession in favour of their own views. The Committee, composed of above forty members taken indiscriminately from all parts of the House, *have agreed in every matter that has come before them*, from the first day of their appointment in 1816. I do not recollect a single instance of a division. Of course, as always happens in Committees, the regular attendance was confined to a few, upon whom the labour chiefly devolved; but these were for the most part gentlemen who differ with me in politics; and a constant communication being maintained between those who took an active part in the inquiry and those who attended but seldom, the least dissension among us would have led to an immediate assembly of the greater part of our numbers. I have therefore a right to assume, that a real and complete unanimity prevailed among us in all our proceedings.

'Having the fortune to take an active part in the political business of Parliament, and to be involved in its contests, I was peculiarly solicitous to avoid every thing that might seem to proceed from party attachments or dislikes. For a proof of this, I appeal to those members of his Majesty's Government with whom I had the honour of communicating from time to time; and I am confident they will admit that I received every suggestion of theirs with the greatest respect. Indeed the changes which I adopted at their desire, sufficiently prove that, if I am liable to any charge, it is to the imputation of having surrendered too many of the provisions originally made in the bill.' pp. 4, 5.

And afterward, when proceeding to that part of the statement which seems to have produced the greatest soreness and irritation—

'It is with great pain that I now feel myself compelled, by a sense of duty, to state the disappointment of the expectations, which, in common with the rest of the Committee, I had entertained, that

his Majesty's Ministers would faithfully discharge the trust thus reposed in them. On so important a matter I cannot allow considerations of a personal nature to impose silence upon me, or to qualify the expression of an opinion which I have reluctantly been forced to adopt, that a full and searching exposure of abuses is not in the contemplation of those who have issued the Commission. It would be acting from a false delicacy towards individuals, for whom in their private capacity I can feel nothing but respect, were I to abstain from frankly urging this complaint, and substantiating it by entering into particulars, how painful soever the detail may prove to me. Before I proceed, let me observe, that the attempts made to frustrate the bill entirely; the great mutilations actually performed upon it; the indisposition to pass it in any the least efficient form—strongly indicated a disposition unfavourable to the inquiry, and excited the vigilance, if not the suspicions of its friends, towards the manner in which the powers conferred by it should be executed. We are now to see whether those unfavourable impressions have been confirmed or removed.

'If the first object of the ministers had been to render the Act as effectual as possible, they would naturally have listened to the recommendation of the Committee in the formation of the Board. It was known to every person, that the individuals suggested by us were selected, solely, because they appeared to be the best qualified for the office. No suspicion had for a moment existed in any quarter; indeed the composition of the Committee made it impossible to suspect, that party views had influenced us in the suggestion of a single name. At all events, there would have been no impropriety in the noble Secretary of State conferring with some of us who had applied closely to the business. The prerogative of the Crown is not supposed to suffer, nor the dignity of its ministers to be lowered, by freely communicating with members of the House of Commons for other purposes. Where could have been the harm in consulting a Committee indiscriminately taken from all parts of the House, upon a matter which had occupied so much of their attention? His Lordship thought otherwise: Of the gentlemen pointed out by us, only two have been put in the Commission; and these, I have reason to think, by no means through our recommendation, but doubtless from the accident, a fortunate one for the public, of their having more favoured patrons.

'Of the other paid Commissioners, I have understood that some look forward to the duties of the office as quite compatible with those of a most laborious profession; while others are supposed to regard the existence of abuses generally, in any establishment, with an unwilling, if not incredulous mind. Nay, I have reason to believe that one very respectable member of the Board has publicly professed an opinion, that a great anxiety for the welfare of the poor is symptomatic of Jacobinism. Exclusive devotion to professional vocations is a meritorious frame of mind; but does not perhaps very naturally

point a man out as fit for a second occupation. A fond disposition to find every thing right in our political system; an aversion to believe in the existence of defects; a proneness to charge with disaffection those who spy them out; a tendency to suspect all who busy themselves for the poor, as influenced by sinister motives, and even as contrivers of political mischief,—these, for aught I know, may be praiseworthy feelings; or amiable weaknesses; or excuseable mistakes: And far be it from me to think the worse of any man who is honestly influenced by what may seem the least rational of such propensities. But then I must take leave to think, that they form very indifferent qualifications for sitting at a Board, the object of which is to pry into abuses, to expose errors and malversations, and to drag forth to public view those who have robbed the poor of their rights.' —*Letter to Sir S. Romilly*, pp. 33-36.

One word more, upon a point still more obnoxious and trying to the tempers of most men.

'After titles to notice, so much higher than any that I can bring forward, had been disregarded, I could hardly feel surprised at my own offer of service being rejected, with silent contempt, by the eminent head of the Home Department. I was induced to tender myself, by the strong representations of my fellow-labourers in the Committee. As the office conferred neither emolument, nor patronage, nor power; as it only gave the privilege of hard labour, of which the habits of my life and my zeal for the cause, made it very clear that I should cheerfully take advantage; I imagined that the most implacable species of malice—the spite of peculators trembling for their unjust gains—could hardly impute any selfish views to the application: I therefore openly stated in my place, that I was anxious to be an honorary member of the Commission. I added, that even if my temporary retirement from Parliament were deemed an indispensable condition of the appointment, I still desired to have the option upon those terms; being of opinion that I might render more valuable service to the country, by devoting to the proposed inquiry the whole time which I could spare from professional avocations. But I do not find that great leisure is thought necessary for the business of the Board. The Speaker is at the head of it; and Sir W. Scott is another of its members. Than the former no man can be a more fit president; but I am not quite disposed to look for very active investigation from the right honourable member for Oxford. He is understood to be decidedly hostile to the Bill. His constituents are known to be, in general, the warmest enemies of the whole Inquiry. That he and Mr Yorke are named instead of Mr Babington and myself, I trust I may be permitted to regret, with the most perfect respect for two gentlemen, whose fair difference of opinion, widely as it separates us, I entirely honour.' *Letter to Sir S. Romilly*. pp. 40, 41.

We are in the judgment of all rational people, whether this

is the tone of a political partisan, disposed to raise a clamour for the sake of discrediting his antagonists, or of a sincere friend to the cause of justice and humanity, solicitous to soften the prejudices and remove the obstructions which political prepossessions might otherwise throw in its way. If any thing more was wanted to make this apparent to all fair and impartial minds, it would be found in the manly and courageous statements with which Mr B. concludes this striking publication;—in which he openly renounces the popularity which he might have retained as the advocate for the defrauded poor—and distinctly states, that, unjust and intolerable as the embezzlement of their property undoubtedly is, it is his decided opinion, 'that the existence of any permanent fund for the support of the poor—the appropriation of any revenue, however raised, which must peremptorily be expended in maintaining such as have no other means of subsistence—has, upon the whole, a direct tendency to increase their numbers.'

'I must however forbear,' he adds. 'to enter further into this wide field of discussion. Our subject is confined within narrower limits. The point to which the attention of the Country should first be directed, is the rescue of charitable funds from mismanagement, and their restoration to the purposes for which they were created. Upon the justice of this course, there can exist no difference of opinion. Upon its expediency, as compared with the abandonment of them to thriftless or selfish hands, the decision seems equally clear. What further steps may be adviseable, is a question that may be reserved for a later stage of the inquiry. But I should have acted unfairly, if I had omitted here to bring forward, though very generally and imperfectly, the principles which in my humble opinion should guide us in resolving that question also, because false expectations might have been raised on the one hand, or equally groundless despondence been produced on the other.' pp. 66, 67.

Of Mr Brougham's general character as a statesman, we certainly do not mean to say any thing on an occasion like the present. All the world knows him to be a Whig; and the Ministers know and feel—perhaps a little too acutely—that he is among the most formidable and vigilant of their opponents. But it ought to be recollected by the country, that though strenuous and active in his habitual opposition to all base and arbitrary measures, he has still more signally distinguished himself in causes where party had no concern; and proved, by the most memorable acts of his life, that the great object of his ambition was, *not* to supplant his antagonists, but to do good to his country and mankind. In his great and indefatigable exertions in all questions connected with the Slave Trade, both in Parliament and out of it, he has laboured with the utmost zeal and cordiality, along with men of all sorts of political creeds and o-

pinions. In his greatest achievement, the abolition of the Orders in Council, he acted as the champion of the mercantile interest and the principles of trade, with [illegible]

[illegible] luable suggestions with which he enlightened it, in the first great discussions on the Distressed State of the Country, it was acknowledged by the leaders of Administration, that there was not the slightest admixture of party feeling, or sarcasm or reproach, on an occasion where an angry opponent might have found it so easy to be eloquent. Throughout the whole discussions on the great questions of Education and the Poor, there has been, upon his part, the same resolute abstinence from all topics that could lead to offence and dissension, or awaken hostility among those who might have been persuaded to agree. In short, we know of no public character, the whole tenor of whose conduct has so clearly demonstrated, that he does not consider the attainment of political power as *the end* of his political existence, but as *the means* merely of conferring great practical benefits on his country:—and that he is ready at all times, and with the utmost good faith and cordiality, to waive all considerations of party, for the sake of the public good. It is rather too much to find it alleged of a man like this, that he wishes to make those philanthropic professions subservient to his personal ambition; and, while he has actually offered to retire from Parliament, and devote himself entirely to the cause, to insinuate that his only object is to increase his Parliamentary importance, and to forward the views of a party.

The '*Letter to Sir W. Scott*' has already been the subject of so much remark, that the reader may have formed his opinion respecting its merits. It seems to be the production of some one who, perceiving an urgent demand for a pamphlet in behalf of the individuals named in the Reports of the Committee, lost no time in supplying it; and took the opportunity also of recommending himself to the distributors of publick bounty, and especially of professional advancement, by becoming the advocate of existing abuses, and perverting both law and fact to impede inquiry. To this writer, the line of shortest promotion seems very obvious:—he must adopt all the maxims of the High-Church party. Yet symptoms every now and then break out, not of any hankering after opposite tenets, but of some apprehension that he may perchance become known, and may have formerly committed himself with the Low-Church, or may be unwilling to forfeit all claims to their favour. Certain it is,

that there are attempts which Sir W. Scott would little approve, to disarm that powerful class of sincere believers, who, under various denominations, are the objects of his unceasing mockery and dread,—making him to shake with alternating merriment and alarm.

The tract, however, is not without its merit. There is a certain even and calm tone which tends to make sorry reasons, uniform partiality, and very deficient information, pass for a judicial decision of the controverted points. The style is indeed rather heavy and flat: But the assertions are bold—the mistatements hardy—and doctrines, to which no professional man would give the sanction of his name, are stated in a manner calculated to make the unlearned reader believe that they proceed from a practitioner of the law. In their great want of a defender, many of the persons whose conduct had been exposed appear to have adopted this author, and stated their case through him. Although he has committed many gross mistakes, we do not think, considering the materials he had to work upon, that those clients have any reason to complain of his services. Upon subjects of this kind, rumour is always busy; and the person designated as the correspondent of Sir W. Scott, is one, the disclosure of whose name would not, we believe, add very greatly to the authority of his decisions.

He has fallen, too, into some absurdity and some pitifulness, which make such a disclosure not very probable;—as where he designates Mr Brougham as one of a fraternity who are 'for 'reducing all useful knowledge to the compass of political eco-'nomy, and the elements of the human mind;' and speaks with a very sage and sarcastic tone of the projects in which he suspects that gentleman may be engaged, for 'supplanting the 'established masters of English truth' (what is *English truth?*) 'and morals, by Scotch essayists upon the errors of Bacon, 'Newton, and Locke.' In the first place, Mr Brougham's family is not Scotch, but English; and we are afraid his prejudices, as to most things in our happy country, are as English as his descent. His education, to be sure, was Scotch; and we think neither he nor Scotland have any reason to be ashamed of the fact: Since we should like to know how many of the *alumni* of either of the English Universities, have had papers on the higher geometry printed in the Transactions of the Royal Society of London, and commented upon in foreign tongues, before they had attained the twentieth year of their age. We really cannot recollect any instance of Mr B.'s exclusive predilection for 'the elements of the human mind;' but it required some courage to insinuate, that he was deficient

in 'useful knowledge.' As for the learned authors of the Introduction to the Encyclopædia Britannica, who are here represented as vain and envious detractors from the fame of Bacon, Newton, and Locke, it is perfectly well known to every one who ever looked into that performance, and to all indeed who are worthy to name the names of those great philosophers, that these same Scotish Essayists have made themselves famous all over Europe for their idolatry of Bacon; and are by far the warmest and most devoted admirers of Newton, of any who are acquainted with the great improvements in mathematics which have been made since his death;—and of Locke they speak with as much veneration as any of his modern disciples. The Letter-writer may by possibility be a lawyer;—but we are sure that he is no philosopher; and that all the learned among his countrymen will be inclined to blush for him. We would by no means have him take our word on such a subject; but we refer him to Mr Coppleston, or Mr Davidson, or any other Oxonian of name, for the true character of Dugald Stewart and Playfair, and the Introduction to the Encyclopædia.—In the same, or in a still worse spirit, is his paltry sneer at Mr Brougham's most interesting account of Mr Fellenberg's Establishments at Hofwyl—which he is pleased to term 'a long anecdote about Switzerland;'—and then to ask 'if *one village* occupied so many columns, what might have been expected from the honourable gentleman's further prosecution of his travels?' Now, this cannot be ignorance; for though, we dare say, the Letter-writer knows little enough about the poor-laws or the principles of education, he cannot mistake Mr Fellenberg for a common village-schoolmaster, nor fail to be aware of the celebrity, at least, of this institution, 'of which all Europe rings from side to side,' and in whose proceedings so many of the Continental sovereigns have deigned to interest themselves.

The two learned Wykhamists are, in every point of view, entitled to greater respect. Fancying that their Alma Mater, St Marie Wintoun, was invaded, they have come forth in her defence with pious and natural zeal. In their writings, nothing is discoverable like a wish to bring themselves into notice, or to forward their own advancement by means of the controversy; and they confine themselves to the defence of the points that have been attacked. The Letter of Mr Bowles is peculiarly distinguished by candid and philanthropic views; and he warmly expresses his anxiety for the success of the cause, although the course of the Inquiry has been incidentally directed towards Winchester. The author of the '*Vindication*' has satisfactorily shown, that neither he nor Mr Clarke are borne out in their construc-

tion of the statutes; but both their pamphlets have thrown important lights upon the subject,—which it belongs to men of their learning and integrity to handle with advantage.

The '*Vindication*' is a very able and learned performance. The author has thoroughly examined the whole subject; and after following him carefully through his discussion, we have not found him making any mistake, except in one or two very trivial particulars. The defect of this pamphlet is its great length: The style is clear, and frequently happy and forcible,—though we should hardly presume it to be that of a practised writer; and still less does the printing betoken a practised publisher; for the sentences are often found running into each other, as if the doctrine of stops were unknown. These, however, are minor imperfections: the work is replete with valuable matter, to which, as the reader may perceive, we have in the foregoing pages been ourselves largely indebted; and we earnestly recommend it to the perusal of all who would obtain a thorough knowledge of this important question. It is said to proceed from the pen of a conveyancer, of very rising reputation; and we cannot wish better to the amendment of the law, and above all to the reformation of the practice in Courts of Equity, than to express our hope, that the same learning, acuteness, and liberal views which have thrown so much light on the present Inquiry, may be applied hereafter to other branches of practical jurisprudence.

But among these authors, the Dean of Westminster makes, we will not say a very ridiculous, but surely not a '*very reverend*' figure. To hate bitterly, and write angrily, have unfortunately not been so rare failings in controversial divines, as the mildness of the creed they profess might have taught us to expect; and the dignity of their cloth has suffered the less from the prevalence of such habits, that they were willingly ascribed to an excess of holy zeal about matters of paramount importance. But a transference of the *odium theologicum* from those lofty subjects to the disputes of a parish, is of somewhat more equivocal decency in a dignitary of the Church, and may chance to be confounded with common railing, to the great scandal of well disposed persons, who are apt to look for a material difference between a Dean and a Shrew. The coarse and passionate abuse in which he indulges, can only be ascribed to great infirmity of temper, or to a design of making himself acceptable to a party. He himself imputes it, indeed, to the feelings of an injured man, smarting under unmerited attacks. But Mr Brougham to whom his invectives are addressed, never, directly or indirectly, attacked him—never even named or alluded to him; and

where does the reverend author find it written, that when you have a squabble with your parish officers, you shall affect to be attacked by an adversary of the existing administration, in order to gain a pretext for blackening him, and the party with which he is connected, and the cause of which he is the advocate? And if the violence of his wounded feelings is to be urged as the excuse for his intemperate language, how happens it that those feelings remained calm from the month of August, when the pretended injury was offered, to the Christmas holidays, when Parliament was about to meet, and the appointed season for raising clamours was come? The Doctor discourses, in an affecting manner, of the great value of character. It was long 'almost 'his only possession, and, by the blessing of Providence, has 'raised him to affluence and honours.'—In a political sermon, preached and printed in 1807, we find an additional reason assigned for his success. Of the 'Letters of Fabius,' addressed to Mr Pitt in 1801, (he says), 'I no longer scruple to confess 'myself the writer.' It is understood that these are not the Doctor's only anonymous writings.

But that his fair reputation had a share in his promotion, we are quite willing to admit. Only this we must be allowed to suspect, with the author of the '*Vindication*,' that having found his character so useful to his own advancement, he was resolved to lend the benefit of it to his friends and his party, by conveniently supposing it to have been attacked, in order to seize the opportunity of making a safe and triumphant defence. This is not a very grave charge, perhaps, against a zealous political partisan; nor should we feel disposed to censure him very severely, if it should have its reward—if his character should once more conspire with his pamphlet towards his further exaltation in the Hierarchy. These things are among the mysteries;—for any thing we know they may appertain to the ornamental parts of the system erected among our southern neighbours. But we may be permitted, as members of a more simple and lowly establishment, with all humility to express our doubts, whether any thing can be more seemly in a dignitary of the Christian Church, than the meekness which avoids taking offence where none was meant, as well as giving offence where none was merited; and the simplicity of deportment which claims respect from desert, and will only pursue even a laudable object by a plain, straightforward course.

We have now done—for the present at least—with this important discussion. The radical question is about the Education of the Poor, the most momentous perhaps of all the ques-

tions of internal polity that can occupy the Legislature of an enlightened people. The incidental and accessary question is about the abuse and perversion of Charitable establishments—a matter, no doubt, of less vital and universal concern, though of no ordinary interest, considered either in itself, or in its relation to the other. The obstacles to the first great measure arose chiefly among the bigots, and the ignorant whom they could alarm; and were pretty quickly subdued by fair and public discussion. The obstacles to the other have their root, we fear, in self-interest—a more obstinate and a far more artful foe. But we have unbounded faith in our precious talisman of *Publicity*; and rest in the most complete and tranquil assurance, that *the Inquiry must, and will go on*, till every abuse has been exposed, and redressed, and prevented. There is a sense of justice and humanity in the people of this land, and a proud and general disdain of all sordid and fraudulent oppressions, against which no tricking, or activity, or influence, can ever hope to stand; and which, when once roused and directed, no Ministry can encounter, and live. The opponents of such an Inquiry as this, therefore, have no hope but in excluding the light, and stifling all investigation in its infancy. But this is now impossible. The veil has been already lifted up, and the secrets of the polluted sanctuary disclosed. Can any man who reads the stern and solemn denunciations of Lord Kenyon and Lord Eldon, or looks at the facts already put in evidence before the Committee, doubt for one instant, that those gross and shameful abuses *must* be sifted and put down? or that those who have brought them to light are entitled to the gratitude of all who have any concern for the honour or the happiness of the country? In such a case, to talk about disrespectful notices sent to reverend doctors, or the danger of having Locke supplanted by Dugald Stewart, or our universities turned into almshouses, must appear the most pitiful and ridiculous drivelling, if *the practical object* of all this zeal and ingenuity, were not deserving of the most serious reprobation. The object, and the avowed object, is to stifle inquiry—not into the state of the Universities, or the text-books in philosophy—but into the *embezzlement* and perversion of the funds destined by charity for the education and support of the poor, *all over the kingdom*—to prevent, if possible, the reappointment of a Parliamentary Committee to continue and follow out those inquiries of which the labours of one Session have presented so extraordinary a sample—and to defeat *the only possible* remedy for those scandalous and corrupt breaches of trust, over which the Judges of the land have been venting groans of impotent indignation for upwards of twenty years, and which, but

for Parliamentary interference and Public Reprobation, must continue to stink in our nostrils for centuries to come!

But we need not heat ourselves in a cause that is already won. Ireland may fret, and the Letter-writer may vapour, and Ministers may condole:—But the game is afoot—and the earth cannot hide it from its pursuers. The sense of the country is roused—its bowels are moved in this cause;—and Parliament will not, and cannot withhold the means of doing this safe and necessary justice.

In the mean time, it is consolatory to think, that much is already accomplished; and that an abundant harvest of practical good has already been gathered from the seeds sown by this Inquiry. There is not a parish in the land, we verily believe, where people are not now beginning to look into those abuses, which negligence in many instances, and opportunity and apparent impunity in many others, had engendered. The culpable are reforming, from fear of exposure and punishment; and the indolent and inattentive, from shame;—while the ignorant are asking for instruction, and the beneficent and active invited to come forward to their protection. Does any man, with the least spark of candour, doubt that this is the fact?—or that it is a great and inestimable good?—or that it is *wholly owing* to that Inquiry against which our Deans and Letter-writers are so eager to discharge the feeble artillery of their spleen—or that it would speedily disappear, if, by such puny hostility, it were conceiveable that such an Inquiry should be stopped?—We have no fears of such a catastrophe; and are ashamed to have contemplated the very possibility of an event that would cover, not only the Legislature, but the Nation—not only with Disgrace, but with Ridicule.

[Since the preceding pages were printed off—and on the very eve, indeed, of our Publication—we have received Captain Sabine's Remarks on the Account of Captain Ross's Voyage to Baffin's Bay; and have perused them with the most painful feelings of surprise. That they call for some answer or explanation from Captain Ross, no one, we imagine, can doubt:—and till the statements of the two gallant Officers are mutually complete, it would obviously be quite improper to say any thing on the points at issue between them. Our only purpose in this Note, is to apprise our readers, that our account of Captain Ross's book was printed off fully three weeks before we had ever seen or heard the least surmise of Captain Sabine's observations.]

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